3148

AN APPEAL, ON THE SUBJECT OF THE ENGLISH CONSTITUTION.

Let the galled jade wince; our withers are unwrung.

SHAKESPEAR.

BY JOHN CARTWRIGHT, ESQ.

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BRITISH MUSEUM

AN APPEAL &c.

To the Freeholders and Taxed Householders of Boston, and its Vicinity.

SECTION I.

FRIENDS AND COUNTRYMEN!

AN altercation on trifles would not deſerve your notice; nor ſhould it occupy my time: but when that which is eſſential to our freedom and happineſs is ſtruck at, it does not become men to be negligent and indifferent.

In conſequence of circumſtances which have occurred ſince the public meeting held at Boſton on the 29th. of March, I feel myſelf particularly, and in ſome degree perſonally, called on, to come forward once again, and to appeal to your judgment. On the occaſion I mention, ſome of us petitioned the Houſe of Commons, reſpecting the unhappy ſituation of public affairs. Others, who did not then give us the meeting, freely to diſcuſs and argue the caſe, afterwards held a meeting (on the 10th. of May) and produced, ſo far as their object was political, a Counter-Petition.

In this Counter-Petition, the political conduct of the firſt Petitioners is ſtrongly condemned; in as much as, according to the expreſſed "conviction" of the Counter-Petitioners, a compliance with the prayer of the firſt Petition, "would tend directly and unavoidably to the ſubverſion of our preſent conſtitution." This, my Friends, is no ſlight imputation upon, either the underſtandings, or the intentions, of the firſt Petitioners. As this imputation is brought forward by one part of this neighbourhood, againſt another part; and as, at this peculiar criſis, the tranquillity and ſafety of our country, more than at any former period of our hiſtory, appears to depend on the opinion of the people, I beg leave to call your attention to the queſtion at iſſue between the two petitioning parties; and for reaſons that will be given in the ſequel, it may be of much public utility, if you ſhould, after mature conſideration, give your decided opinion upon it. One of the two parties muſt have been in an error extremely dangerous to the public peace and intereſt; and as all are intereſted in the conſequences, it will well become you to make yourſelves maſters of the queſtion, and to decide upon it in the moſt dipaſſionate manner, according to the beſt lights of reaſon, and the dictates of con-

cience. The merits of the queſtion appear to the writer of theſe pages; to lie in a narrow compaſs, and to be level with the capacities of plain, unlearned men. His beſt endeavours to aſſiſt in this inquiry ſhall not be wanting; and they are the objects of the preſent Appeal.

He thinks he does not appeal to you, as a man who has blindly adopted particular opinions: nor as one who is devoted to any party in the ſtate; but as a man who allows that he is under a moral obligation to his fellow-men, and to that parent of whom all men are the children, to depart from any opinion he now holds, as ſoon as it ſhall be proved a falſe one; and under a like obligation, independent of all parties and all private intereſts, to ſupport and promote, to the beſt of his judgment, the true intereſt of his country; which he conceives can only be done, by ſupporting and promoting, *the fundamental rights and liberties of his countrymen.*

He hopes what he writes will be read with like diſpoſitions; and that thoſe to whom he now appeals, will, like himſelf, exerciſe their independent judgments; being, in matters of opinion, ever ready to take counſel, but diſdaining to receive command. To be ſaddled againſt the freedom of one's own will with another's political creed; meanly to bear the burthen of his private intereſt againſt conſcience and the public good; and to obey his call, his curb, or his ſpur; is to be a mere political horſe, and fit only to rank with that four-footed ſervant of our ſpecies: To think, to reaſon, and to will, on moral conſiderations, and with independency of mind, is to be a man.

A right reverend prelate has lately told an Engliſh people, they have nothing to do with the laws, but to obey them: and we are not without plenty of inſtructors, to perſuade us, that all private perſons had beſt mind only their own private concerns, and leave matters of government wholly to thoſe in whoſe hands they are placed.

Now there are but two material objections to this kind advice. Firſt, every man beſides his private capacity, as a merchant, a farmer, a mechanic, &c. has likewiſe a public capacity, and public duties, as a member of the ſtate; and ſecondly, this advice of the prelate, is not very conſiſtent with common prudence, good ſenſe, or morality, for if any free people on earth could once be brought to adopt it, the overthrow of their liberty, and the ruin of all morality would be the certain conſequence. At Athens, it was even a law—and a law framed by *Solon*, one of thoſe who for eminence were called the ſeven wiſe men of Greece, that the private citizen who bore ſo criminal an indifference towards his country, as not to take a decided part in its political agitations (on one ſide or another) ſhould ſuffer death. But not to carry things ſo far as this, I ſtill hold it to be unqueſtionable, that all men ſhuold acquaint themſelves with the outline at leaſt of thoſe duties which all men owe their country; and that the higheſt proof of excellence in government is, in its being ſo organ-

ized, as regularly to keep the whole mass of the people to the exercise of their political duties, as a thing of course.

By the author of the Historical Essay on the English Constitution, it has accordingly been well observed, that, in antient times, the people were taught a knowledge of their constitution and their duties, by the annual exercise of their rights. "The annual exercise," says he again, "of elective power under the Saxon government, was the quintessence, "the life and soul of their constitution. The first principle of a go-"vernment, that is founded upon the natural rights of mankind, is "the principle of annual election. Liberty and election, in this case, "are synonimous terms; for where there is no election, there can be "no liberty." p. 7. 11. Should this mode of educating man in his political duties come once more into fashion, it might be very serviceable for the instruction of those in *public*, as well as in private stations.

If, on political subjects, touching the rights and liberties of the people, or measures proposed for their security, any should be listened to with more than ordinary caution, it should seem and for very obvious reasons, to be those who are in *public* offices, from the prime minister down to the exciseman; but here, again, the fashion of the times is the reverse of what prudence would dictate. But let not, my Friends, even the necessary caution here recommended, degenerate with you, into political prejudice, or party spirit. Judge the tree by its fruit. To him who is disinterested, independent in mind and conduct, faithful to the constitution, and ever ready to explain what he means by it, listen with attention, whether he be in or out of place: but when addressed by the selfish, the servile, the *mysterious*, or the versatile, be upon your guard. With respect to attempts by direct power, derived from *property*, to prevent or to quash free discussion, or to suppress the manifestations of public opinion, I have no cautions to offer; as such conduct would speak for itself. This species of open tyranny, is, thank God, fast wearing out: But, although this undisguised tyranny is on the decline, we ought not therefore to conclude that all danger is over. When, on the expulsion of the Stewarts, *prerogative* was curbed, we know to our sorrow what succeeded, A weight of taxes, which the red right arm of *prerogative* never could have laid upon this nation, nor would have dared to attempt, has been imposed upon it, and by means easily to be accounted for, by *corrupt influence*. And so, when property may have lost its arbitrary power, means may and will be resorted to, for obtaining an equivalent, perhaps more dangerous to public liberty. But it is our consolation, that the same remedy which would at once annihilate a corrupt influence in government, and yet leave prerogative in full possession of its "discretio-"nary power of acting for the public good, where the positive laws are

" ſilent," † would likewiſe, although it diveſted *property* of tyrannical authority, leave it in full ſecurity of enjoying all that fair and honeſt influence which muſt ever reſult from a benevolent and virtuous uſe of it.

Without farther preface, I ſhall now lay before you the petition of March.

To the Honourable the Commons of Great Britain, in Parliament aſſembled.

The humble Petition of the underſigned Freeholders and Houſeholders aſſeſſed to the payment of Taxes within the Town of Boſton aud the Vicinity thereof.

SEEING our Country, notwithſtanding the free form of its government, and the capacities for grandeur and happpineſs by which it has been ſo eminently diſtinguiſhed, brought to a low and alarming ebb of adverſe fortune, we ſhould be wanting to ourſelves and to our poſterity, if we called not with the voice of earneſt exhortation on your Honourable Houſe, to interpoſe its wiſdom and authority, for averting that torrent of calamity which now pours down upon us with ſo much force, threatening both the property and the liberties of the nation with one common extinction.

With manufactures nearly at a ſtand and agriculture ſcarcely repaying its own expence, it will be impoſſible long to anſwer the demands of an increaſing taxation. And if, while the produce of our own ſoil appears to be equal to home conſumption, and makes but a ſcanty return to the huſbandman, the money of our country be ſent abroad for the importation of foreign grain, the evils of a ſcarcity of ſpecie muſt be aggravated.

But when we turn our eyes to a national debt of more than four hundred millions of pounds ſterling, contracted in one hundred years; of which debt above one hundred millions are the fruits of a four-years war,—a war of which we profeſs not to know the object, nor can forſee the end,— we muſt feel the moſt ſerious apprehenſions that general ruin cannot be far off, unleſs, averted by the return of durable peace, followed up by the exertions of a wiſdom the moſt profound, and an oeconomy the moſt rigorous.

And, indeed, in a country where repreſentation is the vital principle of its conſtitution, and in which not a ſhilling can be legally put at the diſpoſal of miniſters but by the deliberate act of the repreſentative aſſembly of the nation,

† *Blackſtone's Commentaries I.* 252.

the very phenomenon—the very exiſtence of a debt of ſuch ruinous magnitude, is of more force than a thouſand tongues, to proclaim that, in the very ſtructure of the ſtate itſelf, there muſt ſomewhere be a lamentable defect—that in ſome eſſential part, its organization muſt in the higheſt degree be deranged and out of order.

And when we contraſt a public treaſury which, from the ſpirited agriculture, the immenſe manufacturing ability, and the boundleſs commerce of this country ought ever, without oppreſſion to the people, to be full to the brim, and even overflowing for the advancement of national improvements; with our preſent exhauſted exchequer and wounded credit; the exiſtence of ſuch a defect in the ſtate—of ſuch a derangement in its organization, appears to be irreſiſtably confirmed.

And when we know that your Honourable Houſe, which is peculiarly the people's part and ſhare of our mixed government, has ever had in its hands the full means of ſhielding them from wrongs of every kind, and of protecting their property from all improper public impoſitions; while yet their preſent grievouſly-burthened condition manifeſts that this protection has not been afforded; where, but in your Honourable Houſe itſelf, can we look for that defect, or derangement of organization, of which we have ſpoken? where elſe, can we ſeek the true cauſe of a debt, which threatens ſpeedily to cruſh the nation under its enormous weight? or where, elſe, can we diſcover the ſource of the dreadful power of ſucceſſive miniſters, by which, without check, controul, or even inquiry into their moſt glaring miſmanagements, they have improvidently and wickedly ſquandered the patrimony of an injured people, and mortgaged the very ſweat of the brows of future generations, in the proſecution of war after war; for objects of political folly, of corrupt ambition, of a criminal luſt of unconſtitutional power.

In a Petition preſented to your Honourable Houſe, on the ſixth day of May 1793, we find aſſertions of a multitude of facts, all ſhewing that in the actual mode of ſupplying your Honourable Houſe with its five hundred and fifty eight members, the ſacred repreſentative principle of our conſtitution is contemptuouſly ſet at nought, and daringly trampled underfoot by men of wealth and influence. Many of thoſe facts demonſtrate, that ſeats in your Honourable Houſe, being attached to real property, particularly in Burgage Houſes, may conſequently be bought and ſold like any other marketable commodity; to the grievous wrong and diſhonour of this nation.

And in the ſaid Petition it is particularly declared that three hundred and

ſeven of the members of your Honourable Houſe are returned, not by the collective voice of thoſe whom they appear to repreſent, but by the immediate authority of eighty-four individuals and the recommendation of ſeventy-four other powerful perſons; ſo that a decided majority of your Honourable Houſe, — to the utter ſubverſion of all principle — has no dependance whatever upon popular election; nor holds that political relation to the people, which our conſtitution requires, as eſſential to its own exiſtence, and to the preſervation of our property and our liberties.

And to exhibit the moſt deadly of the ſtabs which our conſtitution has received, legal evidence was even offered at your bar, to prove that forty one peers of the realm returned eighty-one of your Honourable Members; and and that there were the moſt reaſonable grounds to ſuſpect, the whole number ſo returned was no leſs than one hundred and fifty.

If all theſe be proveable facts—if they be real truths, we need look no farther for the ſource of national calamaties; If the very fountain head of Britiſh ſecurity be thus poiſoned, we ſee nothing in the preſent gloomy aſpect of public affairs, but what is the neceſſary effect of a natural cauſe; and to point elſewhere for correction before the maſter-evil be done away, were but folly and deluſion; inſuring, rather than averting, that ruin with which we are threatened.

If our government of King, lords, and commons, to which we cling with ſuch fond attachment, be thus mangled and deformed;—if the repreſentative, the vital principle, of our conſtitution, be thus almoſt torn up by the roots, here muſt begin the work of ſubſtantial reform, or our labour will be loſt. In this fatal violation of the rights of the people, and of the Independence of your Honourable Houſe, we behold a cauſe, whoſe magnitude and prolific faculties are fully correſpondent to the multitude and the magnitude of the evils which, notwithſtanding the natural capacities of Great Britain for proſperity, have weighed her down in ſevere adverſity to the earth, and now threaten her, very exiſtence as a ſtate with ſpeedy diſſolution.——In this fatal violation of our conſtitution, we at once diſcover the whole ſecret of unmeritted penſions, of the reverſion of lucrative ſinecures to unborn claimants—of the expenſive multiplication of offices—of the laviſh expenditure of public money—of a ſyſtem of devouring corruption—of the uncontrouled power of miniſters—and of the dreadful frequency of war, which throws open to them the flood-gates of patronage and influence, and which in a few campaigns, madly diſſipates what the induſtry of an age is required to accumulate; and, laſtly, it is here

alſo we diſcover the certain cauſe of the aſtoniſhing phenomenon now before our eyes, of our country, preeminently bleſſed with all the natural means of happineſs, ſinking under her burthens in diſtreſs and miſery; a ſad example to riſing nations, of the dreadful conſequences of not perpetually looking with a jealous eye to the firſt incroachments on the foundations of freedom, which are the only ſure foundations of national proſperity.

That the purſe of the whole nation, inſtead of being under the rightful guardianſhip of repreſentatives fairly choſen by the whole nation, ſhould be at the diſpoſal of a Houſe of Parliament, a decided majority of whoſe members are ſaid to be appointed by one hundred and fifty four individuals, and ſo appointed by means of an unconſtitutional power and influence; your Honourable Houſe cannot think conſiſtent with any principle of our conſtitution, of juſt government, or of right reaſon: That a revenue of more than twenty millions ſterling a year, ſhould be extracted from the induſtry of the people, and voted away by any other than a genuine repreſentative of that people, no example can ſanction: no precedent, no argument can juſtify. The condemnation of ſuch a ſyſtem muſt now be impreſſed on every mind; and felt in every heart: It is written in the tears of the wretched, and in the blood of the ſlain: We hope, we truſt in the virtue of your Honourable Houſe, it will not be inſcribed on the tomb of our country.

And in the defect of our national repreſentation in your Honourable Houſe, we preſume it muſt alſo originate, that even in the caſe of ſelf-preſervation, that firſt and ſtrongeſt principle of all animated nature, and that to which nature's law gives peculiar ſimplicity—this nation, as if devoted to its own deſtruction by ſelf-deſertion; as if nothing were valuable in its eyes, but that which was myſterious and obtained at an enormous expence, has utterly departed from her antient, her ſimple, cheap, energetic, and infallible ſyſtem of defence—an armed inhabitancy; to rely almoſt wholly for her preſervation on a navy, which for its means of utility muſt depend upon the uncertain elements; and on a profeſſional ſoldiery, which is hired from thoſe claſſes in ſociety who, of all others, have the ſmalleſt intereſt in the defence of the ſtate, and the ſlendereſt means of underſtanding the value of our conſtitution.

Here we beg leave to call the attention of your Honourable Houſe to the wiſe and manly practice of our anceſtors, and to the neglected law of the land. We refer in particular to the ſtatute of the 33d. of Henry viii. c. 9; —a ſtatute which a fatal partiality for ſtanding armies has ſuffered to fall into diſuſe, but which is unrepealed law to this day.

By this ſtatute every able man without diſtinction, is required to be conſtantly provided with arms for defence of the realm againſt outward enemies, and even the unprovided ſervant is to be ſupplied, and his wages abated to pay for the arms procured him. All Mayors and other magiſtrates of the towns are commanded to make proclamation of the act four times a year in every market throughout the kingdom; and the ſame is required of the judges in their circuits, and the juſtices of the peace in their ſeſſions.

Although, in conſideration of the increaſed expence attending the arms now in uſe, in conſideration alſo of the utility which may attend the maintenance of a profeſſional ſoldiery in ſome moderate proportion, and for other reaſons we do not go ſo far as to recommend a revival of the ſpirit of this ſtatute to its full extent with an application of it to modern arms; yet, in the preſent perilous ſituation of our iſland threatened with external danger of a magnitude truly tremendous, and requiring for its ſafety abundantly more armed men than its fields and manufactures can ſpare from induſtry, or its exhauſted revenues can afford to maintain as a profeſſional ſoldiery; we humbly ſubmit to your Honourable Houſe whether reviving ſo much of that dormant ſtatute as ſhall arm every Houſeholder aſſeſſed to the payment of parochial taxes, be not in every view a ſalutary meaſure; or rather a meaſure of irreſiſtable neceſſity; and that on which it probably depends whether we are long to exiſt as people, or to become a miſerable province dependent on the proud republic of France.

Whatever hopes the Directory may entertain of making impreſſion on our country by arms, thoſe hopes can only ſpring from their knowing the unarmed ſtate of the inhabitancy, and their concluding that the extreme decay in the repreſentative part of our government, muſt have deſtroyed that ſympathy between the people and their rulers which is neceſſary to national ſtrength.

But if your Honourable Houſe ſhould in its wiſdom take the neceſſary meaſures for having it ſhortly announced at Paris, that Engliſhmen had an Engliſh conſtitution in its purity to fight for;—that a vote for electing repreſentatives on an equitable plan was ſecured to every taxed Houſeholder, and a muſquet made part of the furniture of his habitation, we believe that humiliating embaſſies might be diſpenſed with; and that this intelligence would do more towards ſecuring an early, an honourable and a laſting peace, than voting to miniſters all the remaining millions of our country; or devoting to the farther proſecution of the war, thrice as many human beings, as in the low countries, and in Germany, in France, Italy, and the Weſt Indies, have already fallen its miſerable victims; filling all Europe with widows and orphans, and

every where ſpreading depopulation and poverty.

Deprecating therefore this horrid ſcourge of our ſeiſes; alarmed for the ſafety of our iſland; earneſtly ſeeking that rigid oeconomy which can alone retrieve our affairs and ſecure our property; and, above all, anxious for that reform, without which our liberties muſt periſh; we moſt earneſtly entreat, and moſt ſolemnly conjure your Honourable Houſe, to take the premiſſes into its moſt ſerious conſideration, and to afford us that relief and protection which our caſe ſo imperiouſly requires.

To the impartial judgment, not only of the preſent generation, but of poſterity, the foregoing petition may be ſubmitted. And whether the liberties of our country be deſtined utterly to periſh or to ſurvive, thoſe who ſigned that petition, may with ſatisfaction and an honeſt pride reflect, that in the year 1797, they were the firſt Engliſhmen who, uninfluenced by the inferior motive, of reſentment towards miniſters for the injuries received at their hands, or miſtaking an evil only *ſecond* in degree, for that which is the firſt and the greateſt in the catalogue of national calamities, penetrated to the bottom the true malady of the ſtate, and pointed to its proper cure. Of one half of their preſcription, our governors, in their circular letters, calling on the Houſeholders throughout the kingdom to *arm*, have already acknowledged the propriety: unfortunately, however, taking advice unwillingly, they reverſe the natural order of things; beginning to adminiſter the ſteel and the bracing regimen inſtead of firſt relieving by a reform, the vital parts of the ſyſtem, from that load of morbid matter which is the cauſe of its debility; a debility which, without previous evacuants, bracers it is to be feared inſtead of removing may aggravate. At all events, it is beginning the work at the wrong end.

The foregoing petition, as we have ſeen, appeals to the well-known and broad principles of our conſtitution; it ſpeaks of facts that may well cauſe amazement in the minds of thoſe to whom they may be new, and fill the heart of every reflecting Engliſhman with concern and alarm, and on theſe grounds it prays for the redreſs of wrongs which are moſt injurious and degrading: In ſhort, it ſtates facts, which, if true, will puzzle the ſhrewdeſt caſuiſt among our Counter-Petitioners, to prove that we have any conſtitution at all remaining.

In oppoſition to all this, the Counter-Petitioners, without denying or even affecting to doubt a ſingle fact, —without combatting any one of our invincible reaſons for a reform, —and without ſhewing that our ideas of the Engliſh Conſtitution are erroneous, or giving their own, —without, I ſay, doing any of theſe things, venture to offer it to parliament and to their country, as a naked, unſupported opinion, that ſuch a reform as

we recommended, " would tend directly and unavoidably to the " ſubverſion of our preſent conſtitution. "

At ſuch a moment, and on ſuch a ſubject, it would methinks, have well become thoſe who ſo widely differed from neighbours, who had reſpectfully and ſolemnly laid their ſentiments before parliament, and who had argued the caſe with that high court of legiſlation, not thus to have reſted on a mere *ipse dixit* opinion, but to have given a reaſon for the faith that was in them. And when we conſider the cenſure caſt by them, either on the heads or on the hearts of the original Petitioners, ſuch a courſe ſeems to have been the more neceſſary; in order, not only to juſtify that cenſure itſelf, but to furniſh the cenſured parties with the means of diſcovering their own error, if there were one. Nay, ſo unſkilled are the Counter-Petitioners in political manœuvring, and ſo awkward in parrying reform, that in the very act of defending a certain Houſe, they give it a ſlap in the face; for what was the tendering to it, *ſuch* a petition, in *ſuch* a cauſe, but a declaration of their " conviction " that it was as ready to catch at ſtraws, as others could be to offer them.

The words of the counter-petition after diſpatching the ſubject of corn are theſe; " And your Petitioners further repreſent, that a petiti- " on to your Honourable Houſe, agreed to at a certain meeting, held " at Boſton, on the 29th. day of March laſt (at which meeting John " Cartwright Eſquire was Chairman) did not, as your Petitioners verily " believe) expreſs the real ſentiments of the Inhabitants in general of " that town and neighbourhood, nor of the Freeholders, nor of the tax- " ed Houſeholders, but only the ſentiments of a very ſmall number of " perſons of any of thoſe deſcriptions; ſo far as relates to the election " of Members of your Honourable Houſe; and that your Petitioners " are convinced that a reform of ſuch election, extending the right of " ſuffrage, either univerſally or to every taxed Houſeholder, would " tend directly and unavoidably to the ſubverſion of our preſent con- " ſtitution —Your Petitioners therefore humbly pray, " &c. Good God! are there, in the year 1797, Engliſh gentlemen who can call this their " conviction! " What in the name of every thing ſacred, paſt, preſent, and to come, is it they call our " preſent conſtitution "? Do the facts, touched on in the petition of March, ſtand for nought? Do the legion of facts ſtaring them in the face, in the petition of 1793, ſtand alſo for nought? Is it nought, that peers pour into the Houſe of Commons members by hundreds? Is it nought, if ſeats in that houſe are bought and ſold, as we buy or ſell a field, or an ox, or a pig? Is it nought, if a decided majority of a Houſe of Commons, are not elected by the commons, but have conſtituents unknown to the conſtitution? —Surely, to paſs by ſuch facts, as ſo many noughts in the account; is to ſet up opinion againſt fact with a witneſs! and to talk of the correction of ſuch abuſes, as a ſubverſion of the conſtitution, is to ſhock every principle of juſt reaſoning, and to run counter to the common

ſenſe of mankind, wherever permitted freely to think, and independently to act.

Is there now an enlightened nation upon earth, that does not know *representation* to be the ſource, and only poſſible cauſe of political liberty? what was it gave England ſuch a proud pre-eminence over the other European ſtates, prior to the French revolution? It could not be her ſhare of ariſtocracy; it could not be her portion of monarchy. Theſe ſhe had only in common with other nations: But it was her popular repreſentation. It was popular repreſentation even imperfect as it was that infuſed the energy which cauſed her glory, and that general admiration and envy, of which ſhe was the object. And to popular repreſentation even, that monarchy and ariſtocracy in this country were indebted for all their value? for while, in other countries, where ſuch repreſentation wanting, monarchy and ariſtocracy lay heavy on the loins of the enſlaved people; here, balanced by a repreſentation, thoſe orders acquired a character of utility and beneficence, and were beloved and reverenced by a flouriſhing nation.

And long, long after the taint of decay, began to canker this root of England's proſperity, the tree was adorned with bloſſoms, and enriched with fruit, ſufficient to give her a ſplendid ſuperiority over the nations, where a withering deſpotiſm had blaſted the liberty and happineſs of man. But, as if a providential judgment had hung over her, ever ſince, to her eternal diſgrace, ſhe firſt unſheathed the ſword againſt the principle of *representation*,* her own corruptions ſeem to have overpowered her conſtitution, and to be rapidly precipitating her fall. Foiled and diſhonoured in two iniquitous wars, her dominion rent aſunder, her debt grown to a mountain, her arm fevered and convulſed, and her whole frame exhibiting a ſtruggle between liberty, her vital principle; and corruption, the principle of diſſolution; conſequences, the moſt fatal are juſtly to be apprehended, if reſtoratives congenial with the vital principle be not ſpeedily and abundantly thrown in.

A ſtate may be free, with or without a King; or with, or without nobles: but without *representation* there is no liberty: without a cauſe, there is no effect. Does not the general reaſon of mankind bear teſtimony to this great truth? Does any man, in any country where reaſon is not in chains,—does any man in *America*,—does any man in *France*—does any man in *Holland*, in *Belgium*, or in *Italy*, conceive any other idea of political liberty, than that it has no other cauſe than legiſlative repreſentation? When forming a conſtitution of free government, does not man univerſally fly to repreſentation, as neceſſarily as the ſparks fly upwards, or as unſuſpended matter muſt, by its gravitation deſcend?

* It was to eſtabliſh a power of taxing the people of *America*, in the Houſe of Commons of England; a power which includes all that deſpotiſm can deſire that ſhe undertook the American War.

And when this fundamental principle of civil government has taken such extensive and strong possession of the human mind, and is even now before our eyes so rapidly ameliorating the governments on the continent of *Europe*, after the original models of *America*, and of *England*, can there be Englishmen so infatuated, as to wish our own representation might continue in a morbid, paralized state, equivalent to non-existence? Or to imagine a torrent which, if the continental despotisms do not turn it aside by timely reform, must assuredly sweep them from their foundations, can in this country be resisted by childish attempts at persuading men to believe against their senses; to act against their dearest interests; and to surrender an inherent right, without which they are not *persons*, but *things*; not men but the cattle, or the swine of lordly proprietors!!

Can there, at this day, be Englishmen so little informed as to the market price of a seat in parliament; so ignorant of those seats being a stock in trade, or badges of the meanest servitude and prostitution to unprincipled men; so unacquainted with the foul history of corruption; and so perversely blind to that ruin of their country, which venality has nearly accomplished; as not to see, and to know, and to feel the imperious necessity of reform!! Can there, I say, in the year 1797, be Englishmen, pretending to have bestowed on the subject one hour's serious consideration, who can yet be such strangers to the principles, and the object of our constitution,—so short sighted to, or so regardless of, the horrid and fatal consequences likely to result from stimulating corrupt authority to deny justice, and to resist the united power of truth, rectitude, and the human intellect;—and so insensible also to the sweet influences, and the enobling character of liberty, as, in a solemn address to parliament to attempt to rivet the chains of their country, by the crude and astonishing declaration, of being "convinced that *a reform* †† "in our elections, would subvert our constitution"!! Gracious Heaven!! and from whom do we hear this language!! From our Countrymen?! From the descendants of Saxons?! O Alfred—divine immortal Alfred!! Thou constellation of all virtues!! Thou, in whose manly bosom glowed the love of liberty, steady, ardent, inextinguishable!! Thou, whose recorded saying it was, that, "Englishmen ought to be "as free as their own thoughts." Godlike sentiment!! Thou who in an ignorant age, with matchless wisdom; and who, on a throne, with matchless magnanimity; didst penetrate the depths of political science,—seeing with angel-ken, that *free parliaments*, *juries*, *organization*, and an *armed people*, are the true foundations of national freedom and security; and who, with thine own hands didst lay the deep foundations, and rear to an admiring world, the glorious edifice!—O be the remembrance of thee and of thine institutions, now present to the minds of Englishmen!! Let *them* think, as thou wouldst now think!! Let *them* act, as thou wouldst now act.

†† "To REFORM. To change from worse to better." *Johnson's Dict.*

SECTION II.

Our Counter-Petitioners muſt ſome how or other have been greatly deceived in their reſearches: They muſt ſurely have picked up the code of *Frederick*, or of *Catherine*, or ſome other exotic, and miſtaken it for the conſtitution of *England*. Their error is the more to be lamented, becauſe we know their profound attachment to that conſtitution, and how they would hug it to their boſoms, if they knew but where to find it;—this we know from the aſſociations and ſubſcriptions they formerly entered into for its protection; and from their ſupport of a war which, on the word of a miniſter, they once fondly, though miſtakenly believed to have been entered into for its preſervation. Although, doubtleſs, ſincere in their devotion, their Athenian-like altar ſeems to be inſcribed, TO THE UNKNOWN CONSTITUTION: That therefore which they ignorantly worſhip, let us declare unto them. And it is with the friendly and affectionate voice of a fellow citizen, I conjure them to reviſe an ill-conſidered declaration, which it pains me to read; and from which I ſhould think they can extract no other pleaſure, than what may ariſe from a candid renunciation of the error it contains.

The ſubjects of repreſentation and political liberty, having been ſo frequently and ſo largely diſcuſſed; the petition of March having ſo ſtrongly ſhewn the neceſſity of a ſubſtantial reform; and the riſing ſenſe of the nation pointing to that haven, as the only one in which the almoſt foundering veſſel of the ſtate can ſeek her preſervation: it cannot be neceſſary that in reply to a naked opinion, unſupported by a ſingle argument, and at war with every principle of our conſtitution, I ſhould much enlarge. I would however, obſerve, that a word has ſlipped into the declaration of the Counter-Petitioners, which, if I miſtake not, will ſerve us as a key for diſcovering their error, and tracing it up to its ſource. If in this conjecture I am right, that error will be the more excuſable; becauſe it will ſoon appear to have been occaſioned by a great defect in our ſyſtem of government, a defect in conſequence of which, the whole land is deluged with error and deluſion.

I allude to the word, "*preſent*." By the phraſe, "our *preſent* conſtitution," it is plain the parties were bewildered; for they were, as they thought, diſtinguiſhing a preſent conſtitution, from one, or from many, that were paſt. But who ever heard of *two* Engliſh conſtitutions? much leſs of twenty, or any greater number that have ſucceſſively exiſted? Here we have to lament, and a ſubject of moſt ſerious lamentation it is, that we have not a WRITTEN conſtitution, to which all, King, lords, and people; miniſters, military, and judges; but above all, to which our *repreſentatives* might at all times appeal. The want of ſuch a guide and limit to legiſlation, ſuch a demarcation to prerogative, ſuch a collection of beacons and landmarks, for ſhewing to every

eye, the extent of thoſe ſacred rights and liberties which are the gift of God and nature to man, and which legiſlators are forbidden to touch, have, as already expreſſed, deluged this land with error and deluſion; whence great, cruel, and unceaſing impoſitions are practiſed on the people. Hence it is that the moſt inſidious incroachments on liberty, have paſſed into laws as its preſervatives; and the groſſeſt violations of the conſtitution have been enacted under pretence of ſupporting and defending it.

Here, is the ſtorehouſe of thoſe crude opinions, differences and diſtinctions, which unfortunately ſplit us into ſo many parties, to our mutual diſquiet, and our common ruin; and here the prolific ſource of civil diſcord, rebellions and revolutions. Under the crafty management of factions, this inexhauſtible fund of deluſions is a Pandora's box of all political evils that can in turn afflict our nation; raiſing up, and irritating party againſt party, unwittingly to be the ſcourge of each other; that a common intereſt may no where be found or felt; and that all may finally be ſubjugated.

And is not that very difference between Petitioners and Counter-petitioners, which has given riſe to this Appeal, a caſe in point? May we then decide it, like men who love our conſtitution more than controverſy; and who having amongſt us a certain ſtore of conſtitutional knowledge, agree to bring it forth for the common good; that difference of opinion may grow into mutual agreement and confidence; and paſt oppoſition, end in future union; for the preſervation of the laws and liberties of our country!

The Petitioners ſay, 'Reform our repreſentation': for, without that, the ſtate cannot be ſaved.' 'No:' ſay their opponents, 'to reform the repreſentation, will be to ſubvert the conſtitution.' Theſe are not ſhades of difference; but opinions as wide as the poles aſunder, and ſo long as the two parties ſhall continue to *act* upon their preſent principles, *one of them*, how unintentionally ſoever, *muſt be doing the work of the greateſt enemy to that conſtitution.* It is this conſideration which ought to induce us to retrace our ſteps; to exert our reaſoning faculties; to liſten to each other with temper; and conſcientiouſly to correct our errors, as ſoon as conſtitutional doctrine, or fair argument, ſhall have made us ſenſible of them.

SECTION III.

I come now to ſpeak of the conſtitution itſelf. To know what it is, is the queſtion. According to the views of two oppoſite parties, the enemies and the friends of popular freedom, two modes of deſcribing the conſtitution have been in uſe. Without meaning to depreciate the knowledge of others, or to boaſt of my own, (for God knows it lies in a narrow compaſs) it may be remarked, that in conſequence of theſe

oppoſite modes of deſcription, and for want of the thing itſelf being in writing, the generality of Engliſhmen have very inaccurate and confuſed notions of the conſtitution; notwithſtanding their habit of appealing to it on all occaſions.

According to the firſt-mentioned of thoſe parties, by the conſtitution is meant, *the whole mass of our inſtitutions, together with the whole body of our law, written and unwritten.* According to the other party, our conſtitution conſiſts, of *certain immemorial points of national agreement, and thoſe* PRINCIPLES *on which the ſecurity of our natural rights depends.* If the firſt were right, what a wretched lot would be ours! If the abridgement of our law, by *Vyner*, fill five and twenty volumes in folio or thereabouts, and occupied more than *half* a *century* of that laborious author's time, * ſuch a conſtitution muſt needs require nine times as many volumes to contain it at the leaſt. Miſerable is the condition, ſays, *Beccaria* of that country, where the ſtudy of its law is a ſcience. What then would he ſay of *England*, if her legal ſcience which finds employment for ſome thouſands of lawyers, made no more than a mere part of her conſtitution!

Such a deſcription of our conſtitution as this, perfectly well anſwers the end for which it is given. A conſtitution of which not the moſt learned man can know where to find all its parts, and of which not the moſt capacious underſtanding can embrace the whole, what ordinary man ſhall pretend to ſcan! Here then, is as wide a field for interpretation, and as complete a labyrinth for bewildering men's ſenſes, as the moſt ſubtle adverſary of freedom can wiſh for. Unfortunarely, ſuch groſs ideas of our conſtitution have too much prevailed, and even our legiſlators themſelves have for the moſt part been as ill able as other men, to find their way through this maze of perplexity, or to guard us againſt the miſchievous effects of it. And it is obivous that, if ſuch were in reality our conſtitution, it would ever be completely at the mercy of the *legiſlature*, which is a ſoleciſm; for in caſe of corruption falling on that body, the rights and liberties of the nation might, on this abſurd ſuppoſition, be *conſtitutionally* ſubverted; and, (to uſe a phraſe now much in favour) *our conſtitution as by law eſtabliſhed*, might, at the good pleaſure of our legiſlators, be *legally* ſubverted; and *law* itſelf might give us a government as gloomy and tyrannical, as that which has juſt expired on the iſles of the Adriatic.

Thus to confound the law and the conſtitution is to confound cauſe and effect: an error which has by no conſtitutional writer been ſo well pointed out and corrected, as by the Earl of Abindon. "In the "great machine of ſtate," ſays he, "there are found three principal "powers &c." "The firſt of theſe principal powers is the power of "the PEOPLE; the ſecond, the power of the CONSTITUTION; the

* *Blackſtone's Commentaries I.* 27.

" third, the power of the LAW. Now the power of the people is " *first*, because, without people there could be neither constitution " nor law. The power of the constitution is *second*, for it is the im- " mediate effect of this first cause; and if the people and the consti- " tution make the *first* and the *second* power, there is no need to prove " that the law is the *third* power of the state. It follows in the order " I have laid down. As from the *people* then is derived the *constitu-* " *tion*, so from the *constitution* is derived the *laws*; the *constitution* and " the *laws* being, in a due course of lineal consanguinity, the descen- " dants of the people." *

Now, the most *conspicuous* of our *points of national agreement* is that by which our legislature took the form of King, lords and commons; but the two points most *essential*, are our legislative *representation* and *trial by jury*. The first should secure to the people their share in the power of making their laws; the latter, the faithfull administration of them. In the legislature, we behold the nation's grand *instrument*, for supporting and preserving its constitution; that instrument itself being one part thereof. Now, without dwelling upon the parts about which we have no difference, let us come at once to the House of Commons.

Our business, then is to know whether our House of Commons be, or be not, at present, what our constitution requires; for on that must depend whether it need *reform*, or not. For want of great *points of national agreement* (by which I do not mean legislative statutes) sufficiently clear and decisive on this head, we must resort to *those* PRINCIPLES *on which the security of our natural rights depends*. And if amongst those principles, we find such as directly apply to the case, and such at the same time as are to be found, as fundamentals, in our law books, and other high authorities, and constantly appealed to for deciding questions in our courts of law, and in parliament, we shall arrive at a satisfactory solution of the proposition before us.

But before we proceed in this course, let us recollect that one of the most striking facts which presents itself in the history of that house is this, that for ages past it has been *a subject of reform*, as may be seen in the statute book. Whether, indeed, on the occasions particularly alluded to, parliament adhered to, or reversed, Dr. *Johnson's* definition of reform, will be seen in its place. " To REFORM " says he is " To change from worse to better." If then it be fact that *changes* have been made, we are not without our precedents; and if it shall moreover turn out, that, instead of *changing from worse to better*, we changed from *better to worse*, our ground will then be strong indeed. If our neighbours object to tampering, in the way of reform, with any thing so sacred as our House of Representatives, in any way that shall *tend to subvert the constitution*, they must, on their own principles, be

* *Thoughts on the Letter of Edm. Burke Esq. to the Sheriffs of Bristol*, p. 22.

the first to approve of *doing away* whatever others may already have done, which shall be demonstrated to have that *direct and unavoidable tendency.*

As all the proofs I can find on this subject, go uniformly to establish in my mind, a creed the very contrary to that professed by our Counter-Petitioners, I confess I have some curiosity to know the evidence on which stands their "conviction," that to reform the House of Commons in the way proposed would be to subvert the constitution. If they believe, because *they are told so*, (for it is said "faith cometh by hearing," then indeed I can understand the *nature* of their creed; since "faith is the evidence of things *not seen.*" I would, however, recommend to them, to be a little more circumspect in future, on what, as well on whom, they pin their faith; for, in politics as well as in religion, we have our "false apostles deceitful workers" and it is manifest their present creed is not taken from *the Apostle of Liberty.* *

It being already proved that the *law* and the *constitution* are not the same, nay, that they are essentially and necessarily distinct, it will need no fresh proof, that what may be at this time *law*, respecting our representation and our elections, cannot decide the point at issue; for our dispute is not about the *law*, but the *constitution.* That statutes are liable to be extremely *imperfect* is our every-days experience. That they may also be *oppressive* every man knows: and that they may be UNCONSTITUTIONAL is equally certain. Of the frequency of the *first sort* of laws, the perpetual introduction of statutes, for explaining and amending other statutes, are pregnant proofs: That the *second sort* have existed, is it not written in the blood of the protestants who expired in the flames, lighted by order of the odious *Mary?* With regard to laws of the *third class*, it shall be my business to produce them, and to appeal to you on their merits. But of *unconstitutional* law, we have, at one time or other, had abundance, that never was to be found in the *statute book.* Of this we had a disgraceful instance, in the case of libel, long supported by the jesuits and the great *Belial* of the long robe, until the question was set at rest, by the eloquence of an *Erskine*, a *Fox*, and a *Camden*, and by the *constitutional* statute their manly exertions bestowed upon their country.

But that, at certain periods *unconstitutional* law, like an overwhelming inundation on the face of the land, has, as it were, blotted out all traces of liberty, take the evidence of *Blackstone.* In the later years of Henry viii. "the royal prerogative was strained to a very tyrannical "and oppressive height; and, what was the worst circumstance, *its encroachments were established by* LAW,"——its encroachments were established by LAW !!!——" under the sanction of those pusil-

* The Appellation bestowed on the late Rev. Dr. *Price*, author of the excellent *Observations on Civil Liberty.* † Commentaries, IV. 431.

" lanimous parliaments, one of which to its eternal disgrace passed a
" ſtatute, whereby it was enacted that the King's proclamations ſhould
" have the force of acts of parliament; and others concurred in the cre-
" ation of that *amazing heap of wild and new fangled treaſons*, which
" were ſlightly touched upon in a former chapter." † In the chapter referred to, the learned judge has enumerated no leſs than NINETEEN, and then adds, " all which new fangled treaſons were totally abrogat-
" ed by the ſtatute of 1 Mar. c. 1, which once more reduced all trea-
" ſons to the ſtandard of the ſtatute of 25 Edw. III." ‡

Having thus cleared our ground, we return to the main queſtion; *whether our House of Commons be, or be not, at present, what our constitution requires.* That conſtitutional propoſition, and great *point of national agreement*, whereby it is ſettled, that our legiſlature ſhall conſiſt of King, lords, and commons, is ſo clear, no man looks into a book to ſeek it; but he who wants to know what our conſtitution calls a *King*, or a *lord*; and what it is that in *England* has contrived to make royalty and hereditary nobility component parts of a *free* government, and ſecurities to national liberty, while in all other countries where they are found, they are proofs of tyranny and the bane of freedom, inſomuch that the very appellations are ſynonimous with arbitrary power;—he, I ſay, who wants this explained to him (for it certainly does not lie on the ſurface) muſt carefully peruſe the beſt delineations of our conſtitution, and *keep perpetually in his eye, the principles of civil liberty on which it is founded.* So alſo muſt he do, when he would correctly know what, and whom our conſtitution calls *the commons.*

Here, however, had it not been for perverſe and intereſted ingenuity, and for a chain of falſe reaſoning founded on *unconstitutional* ſtatutes, there could not, be cauſe for a moment's heſitation. Keep but your eye on the *principles* of your conſtitution, and place but a manly reliance on your own common ſenſe, and all doubt, like a morning vapour drank up by the thirſty beams of the ſun, will inſtantly vaniſh. Can there be a ſimpler queſtion, than, *who are the Commons of England?* Is it poſſible that it can receive any more than one direct anſwer? And will any honeſt and prudent enquirer, give to *himself* an *indirect* one? Or will any ſound-minded man, ſuffer the chimeras of any other man's brain, to deter him from acquieſcing on a queſtion ſo plain, in the ſober deciſions of his own underſtanding?

But, for fear of the worſt, I mean gravely to prove to you, from *Blackstone* and other learned authorities, that the King, is not a commoner;—that lords are not commons, that you yourſelves (to prevent all miſtakes) are neither kings nor lords; and finally, that *the commons of England*, are verily, no other than ALL THE PEOPLE—the whole nation—high and low, rich and poor,—his Majeſty and the lords of parliament only excepted.

† Commentaries, IV. 431. ‡ Commentaries, IV. 86.

After all this labour, the thing I know will not be one whit clearer than it muſt now be to unperverted reaſon; and therefore I ſhould ſave myſelf the trouble, if, after the ſpecimen we have had of new-faſhioned "convictions," reliance could be had on men truſting to their own ſenſes.

But, for giving a truly conſtitutional idea of a Houſe of Commons, there is a collateral proof of great conſequence to be drawn from the fundamental principle of *criminal law*, and here legal authority muſt be called to our aid. It ſhall be that of *Blackſtone*, who ſays "The tem-"poral magiſtrate is impowered to inflict coercive penalties: and this "by the conſent of individuals; who in *forming ſocieties*, did either "tacitly or expreſsly inveſt the ſovereign power with a right of making "laws &c." ——"the *lawfulneſs* therefore of puniſhing ſuch crimi-"nals is founded upon this principle, that *the law by which they ſuf-"fer*, was MADE BY THEIR OWN CONSENT" † In another place he ſays "A ſtatute is placed among the records of the kingdom; there "needing no formal promulgation to give it the force of law, as was "neceſſary by the civil law with regard to the emperor's edicts: becauſe "EVERY MAN IN ENGLAND is in judgment of law, party to the "making of an act of parliament, being *preſent thereat by his repre-ſentatives* * Such is this judges doctrine while delivering his genuine ſentiments agreeably to *the true principles of law*, without conſtraint or bias: but where he expreſsly treats of *parliament*, and is thereby put upon his guard not to offend—for who that talks of parliament having "abſolute deſpotic power in theſe kingdoms" § muſt not approach ſuch a power with fear and trembling? there I grant he has his re-ſerves, that he is evidently over-awed and embarraſſed, and that his language, as we ſhall ſhortly ſee, is at variance with his own underſtand-ing.

Did this learned judge, after condemning to death any criminal, *who had no vote for electing a representative*, ever tell ſuch a perſon, that "*the law by which he ſuffered was made* (or even upheld) *by his own conſent?*" For the ſake of the Engliſh law, for the credit of human nature I hope not. To put men to death upon law fictions, or "to bind them in all caſes whatſoever" by conſtitutional fictions, is a violation of princi-ple, to which, as it ſhould ſeem to me, no unperverted mind can ſubſcribe. I hope our Counter-petitioners will take care to free themſelves from being implicated as favourers of ſuch doctrines. There is but one, ſolid principle, on which men can be rendered equitably and completely amenable to *the law* of the ſociety of which they are members, that of being parties either perſonally or by deputy, to the framing and upholding in continuance *that law*. Where the power of exerciſing this right is wanting, no political liberty can exiſt. The thing is a natural impoſ-

† *Commentaries IV.* 8. * *Commentaries I.* 185. § *I.* 160.

ſibility. Political liberty without this power, is as complete a contradiction, as phyſical liberty without a power of ſtirring our limbs. Whatever is ſhort of political liberty, is not *liberty*, but mere legal protection; ‡ for the whole of *virtual* repreſentation, of which ſome men talk as ignorantly, as others do of the conſtitution, is merely this; that it extends to the *minority*, in any election, and alſo to *thoſe electors who give no vote at all*; becauſe they are all *members* of that *body* which is to be repreſented. †

Now what *Blackſtone* ſays while diſcourſing on parliament is this, "The commons conſiſt of all ſuch men *of any property*, in the kingdom, as have not ſeats in the houſe of lords; every one of which "has a voice in parliament, either perſonally, or by repreſentatives." § While treating on the moſt eſſential point of our *conſtitution*,—on the very hinge on which turns the political liberty of our nation, ſuch is the vagueneſs of his expreſſion, ſuch his looſe, defective, unintelligible *deſcription* of the commons! But when you find the learned author in his element of *law*, then you come at legal, accurate *definition*. Here he informs us, "That the commonalty, like the nobility, are divided into ſeveral degrees; and, as the lords though different in rank, "yet all of them are peers in reſpect of nobility; ſo the commoners, "though ſome are greatly ſuperior to others, yet all are in law peers, "(equals) in reſpect of their want of nobility:" ‖ And in ſupport of this definition he refers to Lord *Coke*.

But ſtill farther to prove his firſt mentioned deſcription of the democratic part of our conſtitution a lame one, and that in the very moment of utterance it was rejected by his own ſtrong underſtanding, his very next words, after the intervention of a ſingle obſervation, are theſe; "And this power (of making laws) when the territories of a ſtate are "ſmall and its citizens eaſily known, ſhould be exerciſed by the people in their aggregate or collective capacity, as was *wiſely* ordained in "the petty republics of *Greece*, and the firſt rudiments of the Roman

‡ This obſervation is ſubmitted to the conſideration of my learned and able friend, the author of Lectures on Political Principles; who has taken ſome pains, to diſtinguiſh between *political* and *civil* liberty; a diſtinction which perhaps he will not, on reflection, find to be ſufficiently obvious and ſafe. What he calls *civil liberty*, I call *legal protection*. The proper inhabitant of a city or community who as ſuch ſhares in its political liberty, is the only one who in my eſtimation is entitled to the name of *citizen*. The native or naturalized inhabitant who does *not* ſhare in its political liberty, is properly a *ſubject*. In looſe converſation we ſpeak of a *ſubject* or even a *ſojourner* in a *free* country, being himſelf *free*; but accuracy of diſtinction will ſhew that he is only *protected*. Protection either of a *ſubject*, *ſojourner*, or *ſtate*, may be complete, and even extend to the greateſt indulgence and benefits; but there is an eternal difference between having an equal vote with fellow citizens in making the laws, and in being ſubject to laws made by men whom other perſons by their votes have placed over us. In the former caſe, we are citizens and have *political or civil liberty*: in the latter we can have no more than *legal protection*. A nation under a wiſe and virtuous prince, governing by deſpotic power, may have good laws and be protected in the higheſt poſſible degree; and all its ſubjects enjoy *legal protection* the moſt complete; but it would be an abuſe of words to call ſuch a nation *free*.

† *People's Barrier*, p. 21. § *Commentaries*, I. 158. ‖ *Commentaries*, I. 403.

ſtate." ‖ If univerſal *legiſlation* could in any caſe be *wiſdom*, ſurely univerſal *ſuffrage* cannot be ſo *foolish* a thing as ſome would repreſent!

Our cavillers at perſonal repreſentation tell us we prove too much, and that on our ſyſtem, women, and children, and babes muſt be amongſt our electors. We ſay not. As this is not the place for inlarging on the objection, which has been very ſufficiently anſwered, * I ſhall now only ſay ſhortly, that infants cannot ſucceed to any *perſonal* rights till capable of *exerciſing* them; and that women being by nature unable to qualify for and to perform various labours of magiſtracy and office in civil government, and of ſerving as the miltary defenders of their country, which are equally duties appertaining to *dominion*, and neceſſary to the preſervation of *political liberty*, their right to the latter falls to the ground; and they muſt content themſelves with *legal protection*; which they will moſt experience, where man has moſt political freedom. As *legal protection*, where fully enjoyed, comes ſo near in its effects to political liberty, as by the generality of mankind, even of the learned, not to have been diſtinguiſhed from it, and as NATURE has not only placed the weaker, under the *protection* of the ſtronger ſex, but has ſo formed man, that to afford this protection muſt ever conſtitute an eſſential part of his own happineſs, we truſt that more need not here be ſaid on this ſubject.

I well know, that the principle of perſonal repreſentation ſtops not ſhort of *univerſal ſuffrage*, at which ſome feel, and others effect, ſo much alarm. What then! If the principle be true, it is of God and nature, and cannot be overthrown. If it be of men, let reaſon operate, and it will come to nought. How other men's reaſon may be affected, I know not; but mine cannot reſiſt the principles, that "Law to bind all muſt be aſſented to by all" † and that "No man ſhall be bound by a law but thoſe who aſſent." † Theſe I find in our books laid down and appealed to, as principles of the Law of England; where I alſo find, that "impious and cruel is he to be eſteemed, who favours not liberty." ‡

I might not have touched on the immoveable foundations on which the rights of univerſal ſuffrage reſt, had not the mention of it been very unneceſſarily, or elſe by way of bugbear, lugged into the Counter-petition. In propoſing the original petition, every thing leading to it had been carefully avoided; but it is amongſt the conſtant indiſcretions of thoſe who oppoſe reform, to drive its advocates to the alternative, of either abandoning the principles on which *any* reform can be claimed of *right*, or of ſpreading the doctrine of univerſal ſuffrage, by the neceſſity of vindicating the true principles of repreſentation.

All this is far from maintaining, that a ſtate cannot enjoy the ſubſtantial benefits of freedom, without univerſal ſuffrage: And when I put

‖ Commentaries, I. 403. * *Legiſlative Rights of the Commonalty Vindicated*, p. 45.

† *Priv. Leg. et Eq.* 56. ‡ *Coke upon Littleton* 124

my hand to a petition, praying for an extenſion of ſuffrage to all houſe-holders, it is becauſe I perſuade myſelf that ſuch an extenſion, might furniſh a repreſentation ſufficiently ſubſtantial for national ſecurity, and for producing great national happineſs; by means of great political and moral improvement.

It certainly is not, becauſe I have ſome acres of land,—or becauſe I might have been born in one borough,—or have boiled a pot in another; or had been apprenticed to a blackſmith in a third,—or in a fourth had married the daughter of a fiſherman,—or on any ſuch nonſenſical pretenſion, I have a right to vote in the choice of repreſentatives; No: It is becauſe I am A MAN: It is becauſe I am to be amenable to the law of my country; and on that law to depend for property, for liberty, for life, for character; in ſhort for happineſs or miſery. God, who made me a man, made me conſcious of a right to purſue my own happineſs by all moral means; conſcious of a right to liberty, *without which thoſe means are denied me*; conſcious, therefore of a right to repreſentation, without which I have not liberty; and conſcious that no other human being can have a right to dominion over the community of which I am a member, without that community's conſent. It is on these grounds I ſtand, to vindicate the rights of my country, and of the humbleſt and leaſt opulent of my countrymen; and well I know thoſe rights may equally diſregard the petulance of cavil, and the ſubtleties of ſmooth-tongued ſophiſtry: but I am not ſo certain, that they will not fall, before either *venality* or the *ſword*. Should the former of theſe mighty powers prove inſufficient to repreſs the exertions and ſilence the voice of reform, who will undertake to ſay a barrack-building miniſter, who has aſſerted *a right in the crown, to land in this country, and without conſent of parliament, any number whatever of foreign mercenaries*, would ſcruple to uſe the other, provided influence or infatuation could raiſe up Counter-petitioners enow to flatter him with a hope that the people were ſufficiently divided, to afford him a proſpect of ſucceſs! *

That counter-petitions ſhould not expreſs the ſentiments of any deſcription of perſons, I mean not to maintain; but when in times like theſe, all men are called on to rally round the conſtitution, and to vindicate its principles, it ſurely is impoſed on them as a political and a moral duty of no ſmall weight, to aſcertain what thoſe principles really are, before they decide for or againſt any public meaſure of high

* In 1685, a member was ſent to the tower, for ſuggeſting that an anſwer from the throne, contained "high words to fright the members out of their duty:" And in 1727, another was committed, for ſaying a part of the ſpeech from the throne, "ſeemed rather "to be calculated for the meridian of *Germany* than *Great Britain*, and that the King was "a ſtranger to our language and conſtitution."

If ſuch were cauſes of commitment to the tower, whither ought the member to have been ſent, who dared to inſult the conſtitution, the parliament, and the people, by the audacious language I have quoted?

importance. The language of the Counter-petition of May, appears to me, and I am perſuaded it muſt now appear to my reader, unconſtitutional in the extreme, and dangerous in the higheſt degree. Were it to be backed by ſufficient numbers, not a remnant, not a veſtige of Engliſh liberty could long be traceable in this miſerable land! If our friends and neighbours who, by their ſignatures, have made that language their own, ſhall upon due inquiry find their *evidence* to fail them, and upon mature reflection ſhall perceive their haſtily-adopted *faith*, to be the very popery of politics, I truſt they will have the manlineſs to ſhake it off, and, by declarations of a more Engliſh caſt, to manifeſt at once their knowledge, and their love, of the Engliſh conſtitution!

SECTION IV.

Agreeably to Lord *Abingdon's* clear diſtinction between our *conſtitution* and the body of our *law*, and to what has been already ſaid, reſpecting the unfortunate circumſtance, of the conſtitution and the law of this country being blended together in no ſmall confuſion; it will be ſeen, that, after collecting from this mixed maſs, all thoſe parts of our conſtitution about which there is no diſpute, we cannot advance a ſingle ſtep farther, except only by means of the light and aſſiſtance to be derived from the *principles* and *maxims* ſtored up in our books of authority; and againſt which, no man pretending to a knowledge of our law or conſtitution ſets up an opinion; for "principles are the proof of every thing; but are not ſuſceptible of external "proof;" and a maxim is "an axiom; a general principle; a leading truth." Our conſtitution, like our common law, being *unwritten* can only be thus collected. And thus is law itſelf aſcertained when doubts ariſe. "And hence it is that our lawyers are with juſtice ſo copious in "their encomiums on the *reaſon* of the common law; that they tell "us, that the law is the perfection of reaſon, that it always intends to "conform thereto, and that what is not reaſon is not law."* If this be true of the ſtream, it muſt be true of the fountain; if the right way of aſcertaining *law*, it muſt be the rule alſo, for aſcertaining the *conſtitution*.

But cannot parliament, if *Blackſtone* be right, by its "abſolute deſpotic authority in theſe kingdoms," either leſs, or more, or altogether at its good pleaſure, aboliſh the elective franchiſe, or even change the conſtitution? No: no ſuch thing. It is againſt principles: and parliament has no ſuch odious power. The very exiſtence of parliament itſelf, is only a part of the conſtitution; and the firſt and the higheſt *truſt* repoſed by the people in that body, is to preſerve the conſtitution. Beſides parliament only operates by its *laws*; and to talk of a *law* making or altering a *conſtitution*, is as abſurd as to talk of a deſcendant

* Blackſtone's Commentaries, I. 70.

begetting his own progenitor, ‡ But, from the nature of the *trust*, it is evident the power of parliament is ſtrictly limitted and confined, to the making of ſuch laws only, as ſhall be in conformity *with* the conſtitution; for otherwiſe the people could have no ſecurity for their liberties if ever parliament were in a condition, and diſpoſed to violate them. †

" Againſt the law of reaſon, or againſt juſtice, there is no preſcription, " or oppoſed STATUTE, or cuſtom; and if any ſuch be made, they be " not ſtatutes, or cuſtoms, but CORRUPTIONS. ‖

But cannot Parliament take away part of our civil liberty for the better preſervation of the remainder? No: not an iota of *liberty* can parliament touch. " Liberty is planted by God in the very nature " of man." * " Laws incompatible with the conſtitution are in " themſelves void. " § " What the parliament doth ſhall be holden for " nought, whenſoever it ſhall enact that which is contrary to the *rights of* " *nature*, or the principles of the conſtitution. " ¶

Almoſt all that has been written, (and there has been much written) on the notion of its being neceſſary when we enter into ſociety, to *give up* a part of our liberty, in order the better to ſecure the remainder; as well as all that has been ſaid reſpecting a right in parliament to *take away* a part of that liberty for the ſame purpoſe, appears to me founded in groſs error; and to have originated in not having clearly ſeen the diſtinction between political liberty and legal protection, pointed out in page 20. Civil or political liberty, properly ſo called, is to a nation what phyſical liberty is to a man in a ſtate of ſolitude; it conſiſts in the power of *ſelf-government*; or in other words, in the power of making its own laws; whether it be done " by the people in their aggregate or collective capacity, " or by means of a fair, free and ſubſtantial repreſentation. If, then, a nation or people be in *full* poſſeſſion of this right, or of this power of *ſelf-government*, then is the political liberty of that people *complete*, and *abſolutely perfect*; and in the words of the divine *Alfred*, they " are as free as their own thoughts. "

Can a NATION thus circumſtanced be ſaid to have *given up or parted* with *any* of its liberty? No: And when we conſider liberty as the *means* of happineſs, and compare the degree and nature of the happineſs open to a MAN in political and poliſhed ſociety, with what is within his reach in the ſolitary wilderneſs, can it be doubted, that either in reſpect of quantity or quality, he is infinitely a gainer, by having improved ſolitary into political liberty? It can only be owing to

‡ Keep in mind Lord *Abingdon's* " lineal conſanguinity." See p. 16.

† We have already ſeen p. 17 18 what a parliament did under *Henry the eighth*. What parliaments hereafter may be capable of doing under a *Pitt*, can only be matter of conjecture.

‖ *Doct. et Stud c. 2. p. 5 & 6.*

* *Forteſcue de Laud, leg. Aug: 41.*

§ *Elem: Unco: law 291.*

¶ *Sharp's Decl: of the Peop: Ri: 236, & Ld: Coke, proeme to 2nd: Inſt.*

inaccuracy of thought, and to the poverty of language, when ſuch phraſes as *giving up* or *parting with*, liberty, ſignifying *compromise*, are applied to expreſs ſuch an improvement in a man's condition, in which there is *no* compromiſe, but pure and *natural* election. The *natural* liberty of a ſocial being, is in *ſociety*: and if confined, like *Selkirk*, to the ſolitary deſart, with brutes only for his companions, would it not be ſtrange, his embracing the opportunity of flying to the ſociety of his own ſpeices, ſhould be deſcribed as a *compromise*, in which he *gave up*, or *parted with*, the ſociety of his goats? And is it not as ſtrange that, in an age of light and reaſon, nations ſhould accept of ſuch compromiſing nonſenſe, as apologies for incroachments on their liberties! *

Abridgments of *legal protection*, naturally flowing from a *loss* of political liberty, they are generally confounded together, but are in truth different, and ought to be diſtinguiſhed. Uſing the word *liberty* in its general and popular ſenſe, we ſay, and we ſay truly, that *legal protection*, is amongſt our rights and *liberties*: but we are now treating abſtractedly on the principles of government, which impoſes on us a neceſſity of reſtricting our words to determinate meanings, with care and preciſion. We then affirm, that it will *not* be by the evidence of any act, ſuſpending the law of habeas corpus; nor of any act, to harraſs, and vex, and degrade the people, reſpecting public meetings; nor for any act, to create "new-fangled treaſons;" nor indeed by the evidence of any other act, for the mere *abridgment* of legal protection, that we can bring *direct proof* of our political liberty having been invaded; for the legiſlature of a country under *ſelf-government* might poſſibly do fooliſh or improper things; or, as a free man, for good cauſe, might for a while deny himſelf food, or reſt, or treat himſelf with other ſeverities; ſo a *ſelf-governed* nation, in a caſe of extraordinay and temporary urgency, might perhaps even wiſely abridge the legal protection of its citizens.

Laws, indeed, which unneceſſarily, or wantonly, or with circumſtances of oppreſſion or cruelty, abridge legal protection, will of courſe be ſtrong collateral evidence, and fit circumſtances, from whence we may collect and infer, with leſs or with more certainty, that political liberty has indeed been invaded, and the legiſlature thereby encouraged to enact ſuch laws; but ſtill, the *direct proof* of ſuch an invaſion of liberty having been actually affected, can only ariſe from the evidence, which aſcertains what is the then actual ſtate of legiſlative repreſentation in the country under conſideration. *Such as we find to be the ſtate of repreſentation, ſuch alſo muſt be the condition of political liberty.* Whatever be the preciſe degree in which the people ſhall poſſeſs the means of freely and independently electing the repreſentative body; and of renewing it at their pleaſure, in the ſame preciſe degree and proportion, and in no other, can that people enjoy political liberty, properly ſo called.

* About a year and half ago we heard a good deal of it in England.

Well might repreſentation be ſtiled " the happieſt diſcovery of political wiſdom: " ſince it not only gives liberty, with all its bleſſings; but in caſe of violations and abridgments, it alſo enables a people to know by means the moſt ſimple and the moſt certain, preciſely *how much of their liberty is loſt*; and thus it is calculated to ſecure modern ſtates, eſpecially all new ones, from ſuch contentions, ſtruggles and convulſions, as in the end deſtroyed all the antient republics, which, for want of this " happieſt diſcovery of political wiſdom, " were never long free from ſtorms, and which, wanting the compaſs we enjoy, knew not, when the ſtorm ran high, how to ſteer for recovering the port of political tranquillity. How infinitely then, do modern invaders of public liberty, ſurpaſs in criminality thoſe of antient times! The antient ſinned, probably, *without* knowledge: the modern ſins *againſt* knowledge. The antient ſinned, perhaps, from a proud conſciouſneſs of ſuperior virtue: but conſcious baſeneſs and treachery muſt attend the modern, ſinning againſt the *aſcertained* principles of freedom, and the *demonſtrated* conſtitution of his country!

As already intimated, temporary caſes of ſuch extreme peril to the conſtitution, of ſuch paramount neceſſity for diſcretionary and unuſual powers, may doubtleſs, although not without difficulty be imagined, wherein it might be right for the legiſlature, to put at the diſcretion of the executive magiſtrate to a degree extending to ſafe cuſtody, the legal protection of individuals;—which caſe of peril, however, in a healthful ſtate of conſtitutional repreſentation, is not likely to occur: But no caſe can be conceived, in which it can be right, under any pretence whatſoever, for the *legiſlature* to *aſſume* to itſelf the power of CHANGING the conſtitution in one iota. Better to let all its functions ſleep, and ſilently to permit the *magiſtrate*, rouzed by the unforſeen peril, to *aſſume* the arbitrary diſcretion, neceſſary for ſaving the ſtate, but for the exerciſe of which, *he muſt afterwards come to the legiſlature for his indemnity.*

All miſchief ariſing from *his* aſſumings, are thus eaſily rectified; the *precedent* impairs not the energies of the conſtitution itſelf; and therefore cannot become the parent of *new aſſumptions* of greater magnitude and extent than the firſt; whereas the very firſt *ſucceſsful aſſumption* of power in a *legiſlature*, to change a fundamental of the conſtitution, is, according to all true theory, its actual overthrow. From that inſtant, it is no longer what it was: inſtead of a conſtitution emanating from a people, and preſcribed *to* a legiſlature as the rule of its conduct; it is a conſtitution, or rather an arbitrary government, preſcribed *by* a legiſlature to a people:—a monſter of unnatural birth: a creature conceived in tranſgreſſion, and generating corruption.

The legiſlature being the maker of *law*, all that relates to *legal protection* is within its province; and ſo long as repreſentation is ſubſtantial and liberty conſequently ſafe, we know a legiſlature will not betray its

truſt: But the legiſlature NOT being the maker of the conſtitution, which was made by thoſe who made itſelf, and who made this *legiſlative inſtrument* of theirs a part of their conſtitution, this conſtitution muſt neceſſarily be wholly out of its power and juriſdiction. For a legiſlature to remove one ſtone from the fabric of a conſtitution were direct ſacrilege; for ſacred is this depoſitory of the natural rights and liberties of a people, from the touch of any hand but their own. Nay, it is the firſt and principal object of a conſtitution, it is of its character and eſſence, to be *a law to the legiſlature*; a law which may no more be transgreſſed by that body, than the ſtatutes enacted by itſelf may be tranſgreſſed by the people.

Lord *Abingdon*, writing, not as a lawyer, but as a politician, goes ſo far as to ſay, "Obedience is due to the laws, when founded on the "conſtitution: but when they are ſubverſive of the conſtitution, then "diſobedience inſtead of obedience, is due, and reſiſtance becomes "the law of the land," † But in all ordinary caſes, and even as long as there is left any law that will afford a remedy, judicious and moral men will ſeek redreſs of grievances, occaſioned even by "laws ſubverſive of the conſtitution," in the peaceful way of *petition*, and by means of reaſon and argument. Knowing it to be an acknowledged principle of our law, that "Equity ſuffers not right to be without a remedy;" * knowing how prevalent is the force of truth towards forming the public opinion; and the weight which decided public opinion muſt have with the legiſlature; they think not of reſiſtance but in the laſt extremity; and probably there are few of that deſcription, who would not defer the laſt appeal, even beyond the period preſcribed by *Blackſtone* to the patience of an injured people. That appeal ſays he, is "neceſſary when "the contracts of ſociety ‖ are *in danger* of diſſolution, and the "law proves too weak a defence againſt the violence of fraud and "oppreſſion." ‡

He tells us alſo, "The people heard with aſtoniſhment doctrines "preached from the *throne* and the *pulpit*, ſubverſive of liberty and "property, and all the natural rights of humanity. They examined "into the divinity of this claim, and found it weakly and fallaciouſly "ſupported: and common reaſon aſſured them that, if it were of human origin, *no conſtitution* could eſtabliſh it without power of revocation, no precedent could ſanctify, no length of time could confirm it. "The leaders felt the pulſe of the nation, and found that they had ability as well as inclination to reſiſt it; and accordingly reſiſted and "oppoſed it, whenever the puſillanimous temper of the reigning

† Thoughts, p. 17. * Prin. Leg. et eq. 28.

‖ In this and a variety of other paſſages, this learned author will be found to confirm the definition I have given, p. 16, of the Engliſh conſtitution. ‡ Commentaries I. 251

" monarch (James I.) had courage to put it to the trial." § And he alſo obſerves, that when James II. " attempted to enſlave the nation, " he found it was beyond his power: the people both could, and did, " reſiſt him; and in conſequence of ſuch reſiſtance, obliged him to quit " his enterprize and his throne together." †

Here, then, we find the bold language of the animated Earl, delivered with all the manly martial frankneſs of an antient baron, fully juſtified by the well-weighed arguments of the legal ſage. And when we diſcover, in the celebrated Commentaries, great depth of erudition, united with ſtrong ſenſe and eloquence, and when we obſerve our author, while fulfilling the intellectual duties of a Commentator, at the ſame time feeling as a man; for " the natural rights of humanity," and ſo frequently doing *incidental* juſtice to our *conſtitution*, it is ſeriouſly to be lamented, as a national misfortune, that he had not originally put to himſelf theſe two queſtions;—1ſt. what *is* the Engliſh *conſtitution?* and 2ndly. Ought I not to diſtinguiſh between our conſtitution and our ſyſtem of laws? But in whom ſhall we find perfection? To what individual is it given, to bring to light the whole riches of any ſcience! And perhaps it is amongſt the wiſe diſpenſations of providence, that even in the moſt enlightened nations the march of truth ſhall be difficult and ſlow. So little had it occurred to *Blackſtone*, to form an idea of our conſtitution, as any thing diſtinct from our law, that in the index to his four volumes, the word, *conſtitution*, does not ſo much as hold a place: and it will be ſeen by any attentive reader, that the want of this diſcriminating idea betrays him into frequent inconſiſtencies. Whenever he reaſons as a man, from the feelings of the heart and a ſound underſtanding, his language is *conſitutional*; but when, on conſtitutional points, he argues as the mere *lawyer*, from the contents of the ſtatute book, or from the *practice* of parliament, he is frequently confuſed and ſometimes inconſiſtent and contradictory. But certain it is, that Lord *Abingdon's* genealogy of *law*, is a key to the principal difficulties to be found in the Commentaries, and by its application, the moſt material inconſiſtencies of that noble, but imperfect work, are to be reconciled.

Blackſtone as a lawyer, applied to the ſtudy and practice of *law*, as profeſſor of the ſcience at Oxford, his commentaries were his original *lectures to law ſtudents*, in order to explain to them, not what our laws or ſtatutes ought to be, to be conſtitutional; but what they were, and how a lawyer in his practice was obliged to conſider and apply them.

But, in anſwer to theſe obſervations, it may be remarked, that the Commentaries are lectures to legiſlators as well as to lawyers, as may be ſeen in the *Introduction*, where the author addreſſes himſelf to our noblemen and gentlemen of fortune, and quotes *Cicero*, as ſaying " it is " neceſſary for a ſenator to be thoroughly acquainted with the conſtitution." I ſhall only reply that *Introductions* to books, like prefaces, are

§ Commentaries, IV. 436. † Commentaries, IV. 440.

written *last*; as I muſt ſuppoſe his to have been: for otherwiſe the reaſoning therein ought to have prevented ſome of the defects of the work; although the main drift of that reaſoning, is evidently to recommend to gentlemen to ſtudy *the laws* of their country. Beſides thus accounting for the omiſſion I deplore, we muſt remember that when *Blackſtone* wrote, the attention of mankind had not been called up, to the eſſential and eternal diſtinction between laws and conſtitutions, by the grand event on the theatre of *America*; where a people not "tacitly," but "expreſsly" drew up a conſtitution to be *a law to the legiſlature*, and to prevent the confuſion, and the infinity of ill conſequences reſulting from a conſtitution being *undefined*. Neither had Lord *Abingdon*, nor other able men who have written on the ſubject, at that time thrown light upon it.

For want of having himſelf made the diſcovery, and thereby poſſeſſed himſelf of the rich mine of truth to which it would have led him; and at the ſame time not being uninfluenced by the authority of both legiſlative and legal *practice*, unqueſtioned in our courts and in parliament, becauſe of the very ignorance we are now lamenting, *Blackſtone* as I ſhall ſhew fails in ſome caſes of the higheſt importance, to diſtinguiſh between *conſtitutional* and *un*-conſtitutional law. But no man can attentively read the Commentaries, without being convinced, that '*Our conſtitution conſists of certain immemorial points of national agreement, and thoſe* PRINCIPLES *on which the ſecurity of our natural rights* depends.' All the quotations I have had occaſion to make from that work, are proofs of this truth; but they are few in compariſon of what might have been made. And hence, I truſt, we ſhall be able to diſcover, '*whether our Houſe of Commons be, or be not, at preſent, what our conſtitution requires.*

SECTION V.

Our conſtitution being intended as the armour of our natural rights and liberties, it ought to ſhield us from all political wrongs, come they from what quarter they may; and, where there is *moſt power to oppreſs*, it ought to be *moſt powerful to protect*. In all periods prior to the revolution, by the nation in general it was ignorantly imagined, our greateſt danger lay in the *crown*, and the nation acted accordingly. In the infancy of political ſcience, it was only for ſuch minds as a *Burleigh's* or a *Monteſquie's* to diſcern, that "England could never be ruined but by a *parliament*," * Behold, then the intrinſic, inherent excellence of our conſtitution, which, if we would be true to it, would effectually ſecure us againſt this moſt formidable of all dangers!

The moſt eſſential of the three branches of parliament, and that which holds in its graſp the public purſe, *the nerve of its power*, ought

* Blackſtone's Commentaries, I.

to emanate fairly freely and ſubſtantially from the people, and be renewable at their pleaſure. Here alone is the balance againſt that power over us, which our lawyer, miſled by its *greatness* erroneouſly calls an "abſolute deſpotic authority in theſe kingdoms:" and which with equal inaccuracy he deſcribes as "ſo tranſcendant and abſolute, that it "cannot be confined, either for CAUSES or perſons, *within any bounds.*"*

That the authority of parliament extends over all *persons* we ſhould be blind not to ſee; but that it extends over all *causes*, nothing but a blindneſs to the diſtinction between our law and our *constitution*, can make us admit; for over the *constitution*, it can have no authority whatever. Hence, we perceive, that the authority of parliament is in no ſenſe "abſolute and deſpotic" for even in its authority over *persons*, it is *limitted* and *controuled* by the conſtitution. Now the only means of preſerving this limit and controul in exiſtence and full force, is, for the people to have over parliament the neceſſary check, of a fair, free, and ſubſtantial repreſentation. In this we ſee our conſtitution *is most powerful to protect*, where there is *most power to oppress*; and for this it is, we pronounce it to be a conſtitution of intrinſic wiſdom and excellence!

But reverſe all this! Let the Houſe of Commons ceaſe to be repreſentative—let it degenerate into a faction that have bought up the boroughs—and let this faction, by that preponderancy which the power of the purſe *in ſuch hands* muſt give it over the other branches, become in effect, a power with "abſolute deſpotic authority in theſe kingdoms," were, then, would be the excellence and wiſdom of a conſtitution, in which there would be "deſpotic authority" to *oppress*, without a ſhadow of power in the people to protect themſelves!

No part of our conſtitution is more entangled with *law*, than what relates to our repreſentation in parliament; but happily for us there is no part ſo eaſily diſentangled; becauſe here, more than in any other particular, our ſyſtem of government ſtands on *natural rights* and *first principles*. The other two branches of the legiſlature muſt from the nature of the caſe, exiſt merely in conſequence of original accident, which grew into a national faſhion or taſte, and ſo became a point of *national agreement*, or part of our conſtitution. It is ſimply becauſe of ſuch original accident, and the inclination, taſte and agreement which it produced, that England made her chief magiſtrate a King, inſtead of having made him a doge, a director, a preſident, a protector, an emperor, or any other creature of the imagination. And that we have lords variouſly titled, inſtead of ſatraps, or ſenators, or ſtates, or ancients, or wiſemen, ſtands preciſely on the ſame grounds, of accident, taſte, and agreement. But, with regard to *representatives*, it is far otherwiſe. Theſe ſtand on the foundations of natural right, the firſt principles of reaſon,

* Blackſtone's Commentaries I. 160. Sir Edward Coke, 4th. Inſt. 36.

and political neceſſity. How important the diſtinction! How ſacred, that part of our conſtitution!

To every human mind, unperverted by the authority of error dogmatically inculcated, untainted by the bitterneſs of inveterate party ſpirit, and honeſtly diſpoſed, it muſt I conceive be an irreſiſtable truth, flowing from firſt principles and the cleareſt maxims, that the body of people ought to be fairly, freely, and ſubſtantially repreſented in parliament. By *fairly* is meant, that a fair diſtribution of ſuffrage ſhould take place; by *freely*, that elections ſhould be uninfluenced either by power, or threats, or corrupt practices; and by *ſubſtantially*, that there ſhould no where be any perceptible deficiency or want of ſuffrage: for the abſence of fair and free ſuffrage, whatever be the cauſe, does not produce a *vacuum*; as all ſuch ſpaces are filled up with corrupt or arbitrary power.

But our Counter-petitioners ſuppoſing, as I preſume they muſt, our conſtitution to conſiſt of ' *the whole mass of our institutions, together with the whole body of our law, written and unwritten*; ' and well knowing " the glorious uncertainty of the law; " talk of courſe of " our preſent conſtitution " but, under ſo monſtrous a ſuppoſition, our conſtitution, which is in truth the ſtandard of all legal rectitude, and therefore ought ever to be contemplated as ſomething fixed and certain, would to our inexpreſſible miſery be the moſt fluctuating thing belonging to us; abſolutely changing its identity, not only with every new *ſtatute*, but even every new *deciſion* of the twelve judges; for it is well known, that every ſuch ſolemn deciſion, makes that *law*, and a rule in all judicial proceedings, which was not known to be law before. ‖

It is moſt evident, therefore, that, with ſuch a camelion conſtitution, we can have nothing to do; and that the epithet of " preſent " is unneceſſary and deluſive. What! are not *magna charta* and the *bill of rights*, part of our conſtitution? I anſwer, No: they are only charters and ſtatutes of a peculiarly ſacred character, in as much as they are *declaratory* of the people's *rights* on certain points; thereby ſhewing what *in those respects* the conſtitution is. A figurative mode of expreſſion ſtealing into all human language, we are accuſtomed, I acknowledge to to ſpeak of ſuch ſtatutes as *the* conſtitution; in like manner as we ſay, the *coffers* of the ſtate, or the *military chest* of the army, when we mean the treaſures they contain.

Not even at the revolution was the conſtitution changed, or pretended to bechanged. It was only, by means of a clear aſſertion of ſeveral important rights of the people placed, as it was thought, on more ſecure foundations. And ſo indeed, in thoſe reſpects, it was: although the moſt important of all their rights, and that which conſtitutes the only true ſecurity for all the reſt, as melancholy experience has ſince taught us, was on that occaſion totally overlooked and neglected; notwithſtanding

‖ Blackſtone's Commentaries, I. 70.

a moſt extenſive invaſion of it which at a former period had taken place ſtill continued to operate in its full extent. Of this invaſion of right, I ſhall ſpeak hereafter.

By the revolution, one of the people's rights, that of reſiſting tyranny, and of electing a friend to the excluſion of an enemy to their freedom, as their king, was aſſerted in *act*, the reſt by *ſtatute*, but the principles, and the form of government, and every point of known national agreement, or, in other words, their conſtitution remained as before. For deſtroying a conſtitution, there are various modes; for *changing*, we are told by modern writers who have not as far as I know been refuted, there is only one. It muſt as they ſay be by the general conſent and will of a people *perſonally* declared. Here ſay they *repreſentation* is inadequate. For a repreſentative to have a right to change that which is entruſted to him as a ſacred depoſit, or to deſtroy that which he is elected purpoſely to preſerve, is impoſſible. That "The law of England will not endure an abſurdity," * is a principle equally applicable to the conſtitution: and by only exchanging thoſe two words, we ſhall alſo have this maxim; "Whatever is deſtructive of the *conſtitution*,, cannot itſelf be the *conſtitution*; for then the *conſtitution* would be *felo de ſe*" † It will therefore follow, that our legiſlators, can no more take from the nation its conſtitution, or from any part of the people any of their natural rights and liberties, by being pleaſed to write ſomewhat, to that effect in our ſtatute books; than our land ſtewards can take from us our eſtates, or this man's field, or that man's houſe, and make them their own, by writing in their account books that it ſhall be ſo. What our legiſlative ſtewards in former reigns, *did* write in their books, we ſhall preſently ſee.

It is the propoſed examination of theſe ſame books, the reviſion and expoſure of ſome of the diſhoneſt accounts they contain, and the recovery of certain rights and liberties to a very large amount, of which, by falſe entries, the people as ſome declare, have been dextrouſly deprived, that cauſed of late ſuch an *alarm* and hurly-burly amongſt the laſt ſet of ſtewards, their connexions, dependents, and echoes; and they had the addreſs to infect many honeſt well meaning perſons, with an unaccountable dread of having the matter looked into, which dread has not even yet wholly ſubſided. Nay, theſe honeſt folks, who were in the dark, were often carried far beyond the rogues in the ſecret; for while the latter were only *alarmed*, the former were *panic ſtruck*; exhibiting their fears in ways truly ludicrous. But all this is agreeable to nature. When ſtricken with fear we know not why, it is ever extravagant: and a panic-ſtruck, perſon—his reaſon loſt, and his imagination on fire—miſtakes friends for foes, danger for ſafety, just as it happens: he will even run into the den of a real lion, to eſcape the purſuit of an imaginary tyger. But the original *alarmists* took good care that accuſations,

* 9th. Coke, 22. † Atkins, 221.

inſinuations, and hard names in abundance ſhould be ſhowered down upon all who had promoted the enquiry. The ordinary appellation beſtowed on them were Levellers, Jacobins, Traitors, Cut-throats and the like.

That unaccountable dread of having the ſteward's books looked into, which has infected ſo many well-meaning perſons, ſeems to have ſeized our Counter-petitioners; for unaccountable indeed, is the declaration of a conviction, that to reform, by allowing every taxed houſeholder to vote, would unavoidably ſubvert the conſtitution: And that they ſhould fly to parliament, to counteract reform, by *ſuch* a notable declaration alone, is equally unaccountable. In ſhort, I confeſs myſelf fairly puzzled with their paradoxical proceeding. If I could ſuppoſe them to joke, I muſt imagine they amuſed us with a harmleſs game at croſs-purpoſes; or with a ſort of cypher, whereof the meaning is expreſſed by contraries: If I ſuppoſe them ſerious, then I muſt conſider them among the panic-ſtruck; who are exactly on a par with ſuch as labour under that whimſical diſeaſe, which *convinces* a man that he himſelf is a gooſe, or a gooſe-pie, or a pitcher, or any earthly thing but what he is; and that certain innocent objects around him, are foxes, or devourers, or angry demons, or other deadly enemies of his peace or ſafety.

Theſe fanciful friends of ours, who ſeem to partake ſo largely in the dread of a reformer, and who in the ſignatures to a reforming petition, ſeem to ſee the viſions of ſo many daggers aimed at that dear object of their affection, "our preſent conſtitution" forcibly bring to my recollection, a deceaſed friend of mine, a very honeſt country parſon, who occaſionally was ſubject to the malady I ſpeak of. My friend, even when his nerves began to feel the influence of his diſorder, with the moſt perfect compoſure could ride paſt a brown dog, or a red dog, or he could even look on a white dog, or a dog that was ſpotted; but at the ſight of a *black* dog, he was inſtantaneouſly ſeized with peculiar horrors, ſucceeded by a ſhivering and an affection of the bowels; and as often as he met a dog of *that colour*, inſtead of hanging him as he wiſhed to do, he was obliged to diſmount and retire. And at times, when the derangement of the nervous ſyſtem came on without any apparent cauſe, he was incommoded in another way. The branches of trees appeared to his imagination as uplifted axes, and the waving twigs of the hedges, as ſo many ſpears and lances, ſhaking in the wind and pointed for his deſtruction.

Knowing all this for real fact, I am the leſs ſurprized at the mental malady of our Counter-petitioning friends and neighbours, who, in that which is our conſtitution's only poſſible *preſervative*, imagine they ſee its ſure *ſubverſion*. I have only to expreſs a hope, that they may

in another reſpect, reſemble my late friend, the honeſt parſon. When his nervous fit was off, he could laugh at himſelf with great good humour; a dog might be as black as his own coat, without any power over his bowels, or being wiſhed on a gibbet; and no man's eye could dwell with more delight than his on the humble, but vigorous and beautiful hawthorn, at once the defence and ornament of our fields.

Have our Counter-petitioners conſidered what a whimſical thing the Engliſh conſtitution, if the whole law made part of it, muſt have been at different periods; and would indeed now be? ‡ How long is it ſince, according to this interpretation, it muſt have been part of this wiſe conſtitution, that an old woman ſhould be burned, as ſoon as ſhe commenced *witch*? ‖ And that law ſuits ſhould be ſettled, and juſtice adminiſtered, by the equitable rule of *trial by combat*? Was it under the firſt of our Plantagenet Kings, according to the Engliſh *conſtitution*, or the *Agreement and Rule of government which the nation had adopted*, that a man who had tranſgreſſed the foreſt laws (afterwards repealed by *magna charta*,) ſhould according to the degree of his offence or the mercy of his judge, have his hands and feet cut off; or his eyes put out; or ſhould ſuffer caſtration? † Or was it in the time of Henry VIII. a part of this excellent conſtitution, that an Engliſhman might be condemned as a traitor, be hanged till half dead, be then cut down, have his bowels taken out and burned before his face, his head then to be ſtruck off and his body to be divided into four quarters, to be ſtuck up wherever the King ſhould appoint, for the conſtitutional inſtruction of his beloved people, for——for what think you?—for having *believed* the King to have been lawfully married to his former queen Anne of Cleves? *

Do theſe gentlemen reckon it, part of "our preſent conſtitution," that our armies and all men under forty ſhall diligently practice *archery*; or that none under the degree of a knight or a lord's ſon, ſhall wear

‡ Such an error was certainly excuſable in *them*, for it is plain that *Blackſtone*, without reflecting on the abſurdities to which it led, entertained this confuſed notion; for he ſays "That *conſtitution* or frame of government, that *ſyſtem of laws*, is alone calculated to maintain civil liberty, which" &c. (I. 126.) and his idea of *civil liberty* was equally confuſed and incorrect, for according to his definition (I. 251.) it wholly conſiſted in *legal protection*; without taking in the idea of *sharing in the making of laws*. His civil liberty, therefore might have been enjoyed under a Roman emperor, or a Venetian ſenate, or a Frederick of Pruſſia. "And we have ſeen" ſays he "theſe rights (the rights and liberties of Engliſhmen) conſiſt, primarily, in the free enjoyment of *perſonal ſecurity*, of perſonal liberty and of private property. So long as *theſe* remain inviolate the ſubject is perfectly "free" (I. 144.) Now the truth is, all theſe rights may "remain inviolate" at *Peterſburg* or at *Berlin*, and yet the people have no political liberty at all.

‖ So late as the 16th year of Charles II. two elderly women were actually condemned by Sir Matthew Hale, and executed at Bury St. Edmunds in Suffolk, for exerciſing witchcraft; when one of the principal proofs inſiſted on was, that the bewitched perſons frequently vomitted crooked pins † Blackſtone's Com. IV, 423.

* See Blackſtone's Com. IV. 86 and 423.

a velvet cap; becauſe *laws* for thoſe things ſtill remain in the ſtatute book unrepealed? Or that "*rogues and vagabonds*" and "*incorrigible rogues*," in caſe they ſhall have "any vote in the election of any member or members to ſerve in parliament ſhall be ſubject to a *leſs*, puniſhment, than if they have not ſuch votes?* But the conſtitution," according to this wild fancy, muſt at one time have been a mere hermophrodite, a thing perfectly equivocal, one day, all law, the next, all will and pleaſure, according as the wind ſtood in the fickle whim of a capricious brute; for by the 31ſt, Henry VIII. c. 8, it was enacted, that a royal proclamation ſhould have the ſame force as an act of parliament.

I have looked into the *written* conſtitutions of *America* and *France*, and examined them carefully; but I do not find in them any regulations about old *rags*, nor a ſingle word about *kettles* and *frying pans*. It has been the late care of thoſe nations, to have *two* books; one, for their conſtitution alone; the other, for kettles and frying pans and old rags, whenever they have occaſion to legiſlate about ſuch things. And by having their conſtitution and law thus ſeperate, other advantages reſult; the *legislators* come to know what the conſtitution *is*, and their people are happily ſecured from talking downright nonſenſe about it. Groſs miſconceptions being thus prevented, differences of opinion on the general nature, or on what conſtitutes any particular part of the conſtitution, can only exiſt in ſlight ſhades; not likely to beget party hatred, nor to render any of the people dupes to miniſters for promoting evil deſigns, nor to load the preſs with perpetual controverſy. Another benefit, and no inconſiderable one, reſulting from the poſſeſſion of a written conſtitution, is ſo obvious that I need ſcarcely remind my reader of it: NO UNCONSTITUTIONAL LAW OF CONSEQUENCE CAN GET UPON THE STATUTE BOOK; and if any unimportant one ſhould creep in, it muſt ſoon be detected and expunged.

Of an ever-varying, camelion conſtitution—a conſtitution unfathomable by the line of human intellect—a conſtitution of contradictions—a political felo de ſe, let us then hear no more! for if a thing ſo monſtrous were indeed our conſtitution, it muſt ſoon be ſelf-deſtroyed, leaving our nation to wade through blood and anarchy to ſome better ſyſtem.

* Or is this a proof of the boaſted equality of our law? See the Act 35th. Geo. III. for *compelling* incorrigible rogues &c to ſerve at ſea. If it be argued, that, to remit the ordinary penalties and confer the honourable employment, of defending our conſtitution, our religion, and liberties, and ſocial order, is not to inflict a puniſhment, but to confer a favor, and therefore any obſervation turning on the meaſure or degree of *puniſhment* falls to the ground; I muſt then reply, that if this honour and this favour be witheld from an incorrigible rogue merely becauſe he has the misfortune to be an elector, it will ſtill be a reverſe of the principal which ſays the "Law ſpeaks to all with one voice."

SECTION VI.

We come now to the conſideration of certain ſtatutes to which I have more than once alluded: I mean the diſfranchiſing ſtatute of *Henry VI.* the triennial bill of *William III.* and the ſeptennial act of *George I* ——Theſe ſtatutes have been ſo long in our books, and acquieſced in as the law of the land, that I am fully aware of the difficulty there may be, in impreſſing on the mind of my reader, the true character and effects of theſe laws; and how eſſential it is, to the very exiſtence of political liberty amongſt us,—to the very pretenſion of our being a free people, that they ſhould be repealed.

No degree of acquieſcence, no not an univerſal approbation of ſucceeding ages and generations, can ſanction pernicious error, nor make that juſt and right, which is in its own nature incurably unjuſt and wrong. Or ſhall I rather uſe the elegant words of *Blackſtone*, and ſay "no conſtitution could eſtabliſh it without power of revocation, no "precedent could ſanctify, no length of time could confirm it." † Theſe ſtatutes, as you ſhall ſee, are all of them not only *un*-conſtitutional, but *anti*-conſtitutional;—not merely *inconsistent* with liberty and the conſtitution, but, in letter and ſpirit, to the full extent of their operation,—and dreadful indeed is that extent—liberty and the conſtitution are *destroyed*, *extinguished*, *blotted out*; for, ſuffer but the principles of the conſtitution which I have already laid before you, to have their fair, and full effect, and then not one particle, not a trace of the ſhackles put upon our political liberty by thoſe ſtatutes, could remain.

Thoſe principles of our conſtitution I have put to the ſtricteſt ſcrutiny of which my mind is capable; and I wiſh my reader to do the ſame; for we are both embarked in the ſame veſſel, and muſt ſink or ſwim together. If, then, we find thoſe principles true, there will be no doubt of my convincing every impartial and honeſt man, who will indulge me with his attention, that the three ſtatutes in queſtion, are in direct contradiction to thoſe principles, and, not *tendencies* only, but, as far as they go, actual *subverſions* of the conſtitution.

Nor is it too much to ſay, although perhaps it may at firſt occaſion ſurprize, that theſe three ſtatutes have worked a far more radical, and therefore a more dangerous change, in reſpect to public liberty, than had been wrought to its diſadvantage, in thoſe tyrannical periods of Engliſh hiſtory, which preceded the exertions of *Runnimead*, or the expulſion of *James II*; and that infinitely more would be done for the ſecurity of political liberty, by a repeal of theſe three ſtatutes, than was done by the joint efforts of *magna charta*, ‡ and the *revolution*.

† See page 27,

‡ "*Magna Charta* only pruned the luxuriances of the feudal ſyſtem."
Blackſtone's Com. VI. 438.

Numerous and vexatious as had been the oppreſſions which make the ſubjects of the ſixty three clauſes of *magna charta*, not one of them related to the eſſentials of political liberty, properly ſo called. In ſtrictneſs of ſpeech, they were all of them only breaches and violations of *legal protection*; and if we conſider who the parties were, who extorted the firſt charter from *John*, namely, the ſame as at all times ſhared with him in legiſlative power, we ought in fact to conſider the aſſembly held in *Runnimead*, and held by the King's appointment, as a real parliament; in which caſe it will appear, that all the *legal protection* procured by *magna charta*, was the immediate effect of *political liberty*, or the power of law-making. It does not detract from this truth, conſidered in the abſtract, to ſay the King was afraid of the ſwords of the Barons; for how many monarchs have their been, who never would have aſſented to any propoſed law for the redreſs of grievances, but through ſome fear or other, and for the moſt part of the ſword ultimately. If the barons and their followers were armed, ſo are the *Corſicans* at this day (as their late Viceroy can inform us,) whenever they aſſemble in parliament; conſidering it as "the only attitude becoming free men." All I have to do at preſent is with the fact, that the meeting at *Runnimead* was by appointment, and that this great law, *magna charta*, was made by *agreement*. Thoſe who make laws, have political liberty.

I have already remarked that our greateſt danger lay not in the *crown*, and likewiſe, that a far greater wrong than any that were redreſſed at the revolution, was on that occaſion overlooked, and left ſtill to operate in all its miſchievous extent upon the nation. And now I have to obſerve, that amongſt thoſe wrongs which were rehearſed in the *Bill of Rights*, there were but two articles having immediate relation to *political liberty* itſelf, and they were by no means made the moſt prominent features of that Bill. And ſo far is it from appearing, that theſe ſymptoms of the grand ſtate diſeaſe, led the conductors of the revolution to a right knowledge of the proper nature, and of the great danger of that diſeaſe, then lurking in the vitals of the conſtitution, that theſe very perſons, with the reſentment of *James's* tyranny hot in their minds, did themſelves, by their triennial act, give political liberty a deeper ſtab, than any it had received at his hands.

The firſt of the two caſes alluded to, is the King's having violated "the freedom of election of members to ſerve in parliament;" and upon this head, this mighty bill tamely ſays, "That election of mem-"bers of parliament ought to be free." And, in conſequence of omiſſions which had occurred in *holding* of parliaments, although not complained of in the recital of grievances, it ſays "And that for redreſs of "all grievances, and for amending, ſtrengthening and *preſerving* of "the laws, parliaments ought to be held frequently."

Here, then, is the ſum of complaint, on what immediately affected

political liberty; all the reſt is mere abuſe of *legal* authority, mere violation of *law*, and of that *legal protection* to which the people had a right, at the hand of the King. But it is evident, that, had the ſcience of civil government been as well underſtood, either in the days of *Runnimead*, or of the *Revolution*, as it is now; and had there been virtue enough to have acted up to ſuch knowledge; then inſtead of childiſhly enumerating, one by one, the ſtripes they had received from the rod of regal power, and as childiſhly reciting, one by one, only certain ſpecified claims of exemption from the illegal ſtripes of that rod in future; the true way of ſecuring, not only all theſe ſpecified rights, but all others which exiſted, as well as of giving a tranquil eſtabliſhment and aſſured permanency to freedom, would have been, with a dignified manlineſs, and with that ſimplicity which characterizes true wiſdom, to have reſorted at once to the firſt principles of political liberty, and to have demanded and eſtabliſhed, a fair, free, and ſubſtantial repreſentation of the people in parliament; and then to ſuch a parliament to have left their *legal protection*, in all its branches.

Had they thus placed the political liberty of England on its right foundations; and had an act of ſuch intrinſic wiſdom been followed up, by the appointment of a committee of both houſes of *ſuch* a parliament, calling in the aid of the learned, to collect and digeſt, on the known principles of our government, all our inſtitutions and neceſſary regulations, in the draught of a WRITTEN CONSTITUTION, to have been printed, circulated, and ſubmitted to a three years national diſcuſſion, ſo that the people might have inſtructed their repreſentatives how to have expreſſed their mature opinions on the ſame, ſurely ſuch men and ſuch a parliament would have deſerved the gratitude of their country in the higheſt poſſible degree; and a conſtitution, ſo made known, ſo confirmed, and ſo fortified, would have been the greateſt of all earthly bleſſings to this nation!*

The remedies which, at the periods I have ſpoken of, were actually applied, were poſſibly the beſt the knowledge of the times afforded; but no one can doubt that, compared with what is here ſuggeſted, they were puerile, ſhort ſighted and inſufficient. Political liberty, in both caſes, was the true object: whereas the ignorant patriotiſm of the times knew not the means of ſecuring it; nor indeed in what it truly conſiſted; but ſpent its ſtrength in providing for inferior objects, which may in a certain degree be had even under governments abſolutely deſpotic, ſo long as a wiſe prince ſhall reign, but for the permanency of which there can be no ſecurity, but in poſſeſſing true political liberty. And are there not thoſe of the preſent day, who, either ignorant or regardleſs of our true diſeaſe, or not ſufficiently aware of its

* Mr. *Pitt's* Poor Bill has been printed and in circulation one year, and will probably remain under public diſcuſſion another year or two, before paſſed into a law. And ſuch is an ordinary practice in caſes of general intereſt.

extent and danger, seem to have no sense of their country's wrongs, but when they themselves immediately and personally feel the lash; and who idly imagine all would be right, if those who lash them were removed from power? Wretched mistake! Pernicious error! an error which, in as much as it draws attention to inferior evils, has a natural tendency to prolong the existence of that which is of the greatest magnitude, and the parent of all the rest.

As all the wrongs complained of, first under *John*, and afterwards under *James II.* were, when truly understood and estimated, different in nature, as well as far inferior in degree, to those which flow from the three statutes under consideration, we cannot bestow too much pains in ascertaining the distinction, and establishing the fact. The distinction will be clearly seen, by applying to the case all I have said for marking the essential difference between legal protection and political liberty. And if it be once seen that those statutes, without appearing, to undiscerning eyes, to detract from *legal protection*, do in truth, to the whole extent of their operation, annihilate *political liberty*, we can have but one opinion, concerning the necessity of their total repeal. Let us now review them.

Prior to the reign of *Henry VI. every man* (not being a villain or bondman) had a common-law right, agreeably to those principles of our constitution I have so often repeated, to vote in all elections of his county; which right "at the grievous complaint of the commons" concerning the "affection of sheriffs" and other causes of "undue "election, to the great slander of the counties, and hinderance of the "business of the Commonalty," was unequivocally asserted in a declaratory statute of the 7th. Henry IV. c. 15. in these words; "and that "*all they* that be there present, as well suitors duly summoned for the "same cause, *as other*, shall attend to the election of the knights for the "parliament, and then in the full county they shall proceed to the elec-"tion freely and indifferently, notwithstanding any request or com-"mandment to the contrary." And this Act was enforced by another in the 11th. of the same King c. 1.

Then comes the first real stab which the *political liberty* of Englishmen ever received; and it comes, not from the *crown*, (for the King was an infant not eight years old) but from PARLIAMENT; from that power which if once corrupted, *Burleigh* and *Montesquieu* foresaw, would be the ruin of England. The well-known statute of disfranchisement, of the 8th. of *Henry VI.* c. 7. at one stroke cuts off from the future enjoyment of the sacred inalienable right of election, *an immense majority of the whole nation*: by enacting that none in future shall elect, who have not freeholds of forty shillings per annum.† What was this but saying to the majority of the nation, 'We whom you in the exercise of

† Equal to 12l. per annum in the reign of Queen Anne, according to Bishop Fleetwood, in his *chronicon preciosum*.

'your political liberty, have chosen to be your representatives, (the very 'end and object of which choice above all other considerations is to 'preserve that *political liberty*, as your only true and certain security 'for legal protection, and every blessing of life,) we in whom you have 'reposed this great confidence, and whom you have thus honoured 'with the highest of human trusts, are pleased to determine, that, from 'this moment you shall have *no political liberty at all*; and that 'the *legal protection* of yourselves and your posterity shall altogether 'depend on legislators whom a *minority* of the nation shall from hence-'forth place over you and them: We know that in so doing, we break 'through *magna charta*, which promises "to all free men" of the 'realm, the saving and preserving "all their liberties, and free cus-'toms, which they had before;"* and that we likewise shew equal 'disregard to near *forty* other statutes, by which the said charter has 'already been confirmed; *but such being our pleasure*, SUCH IS 'OUR DECREE!'——Does this wholesale annihilation of inherent and constitutional rights, by the chosen guardians of them, please those of our neighbours who cannot endure any thing *tending* to subvert the constitution? On their own principles, I have said, they must be the first to approve of doing away, by repeal, what has been already done in this kind.

In the next place, it is to be observed, that *sessional* parliaments were in regular use for many centuries, and none other known either to the *constitution* or the *law* (notwithstanding occasional *practice in bad times*:) so that by means of such sessional parliaments, the elective franchise came into exercise generally once a year; sometimes twice, and more often; agreeably to the principles of political liberty. But now comes, in the sixth year after the revolution, a statute to give *three years continuance* to the same parliament; † which thus disfranchises for two years in every three, all those who had not been totally disfranchized by the former statute. And this I presume was done, after Mr. *Locke* had published his admirable Discourse on Government.

Let me once more appeal to our Counter-Petitioning friends, who are so anxious to ward off even the distant danger which threatens our liberties. Does not again this statute plainly say: 'We your represen-'tatives either know nothing, or care nothing, about *principles of go-'vernment*: As little do we know or care, about *the principles of our 'particular constitution*, or about *your rights*. Your own common

* Magna Charta of the 9th. of Henry III. with Observation from Lord Chief Justice Coke's comments upon it. p. 105.

The quotation is from the 38th. Chapter, where we also find "neither we, nor our "heirs, will procure or do any thing, whereby the liberties contained in this charter, shall "be infringed or weakened. And if any thing be procured by any person contrary to this, "*it shall be of no value*, AND HOLDEN FOR NOUGHT." Was *magna charta*, ever formally *repealed*?

† *See the People's Barrier.* Index under the heads of *Triennial Bill, Parliament*, &c.

'ſenſe, and your own conſciouſneſs, that your political rights are eſſen-
'tial to you as rational beings in a ſocial ſtate, may tell you we had no
'power and authority to do as we have done; no, nor to deſtroy one
'atom of rights ſo ſacred: But *we* tell you, that you having thought
'proper to make us legiſlators, a character we know not how to ſuſtain,
'we have thought proper to take one large ſtride towards making you
'political ſlaves, a character in which you perhaps may make as awk-
'ward a figure. Again, we told King *James* who became our ſovereign,
'*not* by our particular election, but by inheritance, that "by aſſum-
'ing and exerciſing a power of *dispensing* with, and *ſuſpending* of,
'laws." ‡ he had proved himſelf a tyrant; and for ſo doing we made
'war on him, expelled him from the throne, and drove him as an
'outcaſt to ſeek his bread in foreign climes: But we tell you, our
'conſtituents, our political creators, you, by the breath of whoſe lips
'we are what we are, that we think proper to "aſſume and exerciſe a
'power of *dispensing*" with *elections*, the very fountain of our law-
'making power, "and *ſuſpending*" *the whole political liberty of the*
'*Engliſh nation* at our good pleaſure and diſcretion; and, for the preſent,
'WE DECREE ITS SUSPENSION FOR TWO PARTS
'IN THREE OF ALL TIME TO COME.' And this is
what the profound *Blackſtone*, through the error we have noticed, can
number amongſt the *reforms of parliament* which improved our conſti-
tution; whereas it was in truth a moſt ſacrilegious violation, and the
very egg of monſtrous corruptions. ‖ This impiety of the creature, re-
belling againſt, and tearing away the power of, its creator, the people,
does not awaken his aſtoniſhment and indignation; but what would he
have ſaid, had the lords of parliament ſo far forgotten *their* creator, the
King, as to have forced upon him a law to have transferred the power,
of creating peers and biſhops from him to themſelves?

Well, Gentlemen,——you who tell us Reformers, that we are ſub-
verters of the conſtitution, what think you of this ſuſpenſion of our
liberties? Does this ſort of reforming ſquare with your notions of
Engliſh freedom, or ſatisfy your underſtandings, ſo converſant with the
ſcience of civil government? Is this the ſort of patriotiſm you would
have us imitate, or the ſpecies of political reaſoning with which you
deſire us to enlighten the ignorant? Remembering the "glorious
revolution," we heard of in the proclamation of the 21ſt. of May
1792, what ſay you now to the conſtitutional knowledge, and legiſlative

‡ 1ſt. *William and Mary*, 2nd. Seſs. c. 2 being an Act "declaring the rights and
'liberties of the ſubject, and ſettling the ſucceſſion of the crown:" more commonly called
The Bill of Rights.

‖ Commentaries I, 334.

fidelity, of thoſe who beſtowed upon us that " glorious revolution. " †

The laſt of the ſtatutes we have to conſider, is the ſeptennial act. And what is it, but the ſame deſtructive potion as the triennial act, only drugged more plentifully with the poiſonous ingredient of ſuſpenſion. That " ſuſpended " *political liberty* only two parts in three of human life; by the ſeptennial act, it was " ſuſpended " SIX PARTS IN SEVEN; which, though not in *words* a total ſubverſion and deſtruction of all liberty, yet, in *effect*, all collateral circumſtances taken into the account, was equivalent to a death's wound. If, as I have elſewhere proved, it be the indiſputable right of Engliſhmen, to create a new repreſentative once at leaſt in every year, ‖ and if " the annual exerciſe of elective power " be " the quinteſſence, the life and ſoul of our conſtitution "* a figure as correct as it is beautiful, what more could the enemies of freedom wiſh, than, on a ſtate of repreſentation, unequal, partial, and defective as it was in the year 1716, to erect on it a ſuſpenſion of all political liberty for ſix parts in ſeven of human life! We may form ſome conception of the effect of *such a freedom*, towards ſecuring the proſperity and promoting the happineſs of a nation; by eſtimating the value of a man's *physical liberty*, towards the maintenance of a wife and numerous family, if unhappily ſubject to ſuch a regular *ſuſpenſion* of his faculties as to leave him *awake* only *one day in a week*.

The intoxicating poiſon of the triennial act, produced political ſtupor and approaches of inſenſibility to a public intereſt, and convulſing the nation with the intemperance of party, and the never-ceaſing brawls of faction, gradually unfitting it for the ſober cares, and duties and exertions, of a virtuous and free people. What that nefarious ſtatute began, its odious ſucceſſor has but too fatally accompliſhed. It has debauched and debaſed the political character of our nation. It hath well-nigh wrought an utter oblivion, if not even a loathing, amongſt large claſſes and particular ranks in ſociety, of thoſe principles of liberty, in vindication of which a *Locke* and a *Milton* wrote, a *Hampden* drew his ſword, and the martyred *Sidney* and *Ruſſel* bled.——Are we not then, on the authority of *magna charta* warranted in pronouncing, that ſtatutes which ſo tear up by the roots " the liberties and free cuſtoms which we had before;" and which are ſo deſtructive of the manlineſs, the morals and character of the nation, " are of no value, and ought to be holden for nought?" And in the ſpirit, and very letter alſo, of the principles of our conſtituti-

† " Finding the people could not yet be brought to digeſt long parliaments, they endeavoured to make their peace with the public by the *Triennial Bill*, in which there was a " clauſe for their own diſſolution; and ſet on foot an enquiry into their own venalities, " which opened ſuch a ſcene of iniquity, as, in the compariſon, made the penſioner parliament of King *Charles II.* ſeem innocent; and which was *then* thought to have arrived " at the *ne plus ultra* of Corruption. *Detect. of Parlm. of England.* I 121.

‖ *Legiſlative Rights of the People vindicated and People's Barrier.* Turn to the Index of each, for the various paſſages in proof of this truth. * See p. 3.

on, of reaſon, and of nature, may we not legally ſay, that theſe acts radically unjuſt and founded in error, "be not ſtatutes but corruptions;" and, being "incompatible with the conſtitution, are in themſelves void."§ Surely our reiterated petitions to parliament will in time prevail; and ſtatutes ſo diſhonourable to parliament itſelf will be blotted from its books!

As we thus proceed in our comments, on theſe wretched ſtatutes, are our Counter-petitioners any better reconciled to this unprincipled licentiouſneſs of the political ſtewards of 1694 and 1716; or to the political ignorance, ſtupefaction, and the degeneracy of the people, which the groſs ignorance or the blackeſt treachery of thoſe ſtewards hath occaſioned? Or are we Reformers ſtill to be branded as the enemies of our country, and diſturbers of its tranquillity; becauſe we would arouze it from its diſeaſed ſleep of political drunkenneſs and death, ere its vigilant, never-ſleeping adverſary hath completely woven the web of its deſtiny.

But the conſummation of the miſchief is yet to come. In the raw infancy of unpracticed corruption, a parliament partially and defectively elected, might nevertheleſs be an honeſt parliament; for even an abſolute monarch may *protect* his people. A triennial, or even a ſeptennial parliament, may on particular occaſions be actuated by a ſpirit congenial with, if not founded on, political liberty; becauſe it is naturally poſſible, that illegitimate power ſhould not in all caſes be abuſed: but the misfortune is, and it is the natural courſe of things, that when *the true barriers* of political liberty are once impaired, abuſes inevitably creep in; as thoſe barriers are more and more removed, abuſes increaſe; but when it is once ſeen that the barriers are abſolutely given up and abandoned, then corruption like an overwhelming flood bears down all before it.

The almoſt total deſtruction of the true barriers of political liberty, by the three ſtatutes in queſtion, which had annihilated a vaſt majority of Engliſh ſuffrages, and ſuſpended all the reſt for the far greater part of human life, left the Houſe of Commons, and, by the links of neceſſary conſequence, the conſtitution and ſovereignty of the country, a prey to the moſt factious and moſt corrupt; and cauſed it to be ſeen, that a ſucceſsful adventure in the Borough Trade, muſt be the ſure road to wealth, to honors, and to power; and that a combination amongſt that claſs of traders, muſt give the whole liberties of Great Britain into their deſpicable hands.

The ſyſtem, has at length reached its conſummation. Of farther improvement, it is not capable. What more can a faction deſire, than to have the whole wealth of the nation at its abſolute command?

§ See p. 24.

That the whole wealth of Great Britain is at the command of the borough faction, is moſt certain; if it be true, that *the one hundred and fifty four* abſolutely command a decided majority of the ſeats in the Houſe of Commons. Of the truth of that fact, the Petitioners of May 1793 tendered proof at the bar of the Houſe; and, from that moment to this, have been anxious to bring it forward. Can, then, any reaſonable man want conviction, that the evil, whatever be its preciſe and accurate amount, doth in reality exiſt? Does any man ſee aught in the conduct of majorities to ſtagger ſuch a belief, or even to counteract ſuch a perſuaſion? Would any other than ſuch majorities, ſuffer a miniſter year after year to bring out an expenditure, the double of his eſtimate? or to expend more money *without* the knowledge and conſent of parliament, than he hath expended *with* that knowledge and conſent? If Mr. *Pitt's* pecuniary meaſures during the war, do not largely contribute towards opening the eyes of the people, as to their ſituation in reſpect to political liberty, they ſhall not be opened, as it ſhould ſeem, although to perform that office one came from the dead † and if this nation ſhall not from the evidence afforded by the regular conduct of miniſters and majorities, ſee that it is bought and ſold by a deſpicable faction, it is bereft of its reaſon, and the hand of God is upon it for its deſtruction.

Time, taxes, and the complete triumph of French liberty over all its enemies, will ultimately, perhaps, convince the abuſed people of England, that it is not by attacking the liberties of another nation, but by reſtoring the loſt liberties of their own, that *their conſtitution* is to be preſerved, Seeing, then that what THE ENGLISH CONSTITUTION wanted, as a ſecurity either againſt Jacobins, or Levellers, or Traitors as deadly as either, was only a ſingle law repealing the three obnoxious ſtatutes we have conſidered, and regulating the exerciſe of the elective franchiſe; what muſt be the feelings of Engliſhmen, when they put into one of the ſcales of political reaſon, ſuch a pacific, healing, and ſaving meaſure; and into the other, the horrid war that has been waged, on the pretence, of *defending our conſtitution*; while the *reform* which can alone preſerve it, is ſtill obſtinately reſiſted by the authors and abettors of the war!

Believing moſt religiouſly, that to ward off that reform, was with miniſters the principal, and not, as it ſhould ſeem, the very ſecret

† "In the year 1791, when all the arrears of the American war were either funded or "diſcharged, the annual intereſt upon the public debt amounted to 9,289,110l. In *leſs "than five years*, therefore the preſent Chancellor of the Exchequer will have added very "nearly as much to the *perpetual taxes*, as all the miniſters that have ever afflicted this "country from the Revolution to the commencement of his adminiſtration. The intereſt "of the debt in Dec. 1783, (when Mr. Pitt became Chancellor of the Exchequer) was "only 8,045,055l. ſo that in fact, he will in five years, have *more than doubled* the amount, "of all the perpetual taxes, that exiſted before his adminiſtration" *Morgan's Appeal to the People*, p. 37. where it is ſhewn that Mr. Pitt's *additions* amount to 8,191,957, per annum.

ſanſe of the war, to their account, in the way of criminal accuſation, I lay the whole of its pecuniary burthen: and when I contemplate all the conſequences of that burthen, and when I review all the horrors of the war itſelf; it is not in the power of language to convey an idea of my feelings;—A war that hath depopulated my country to form armies; and impoveriſhed it to maintain them;—a war in which thoſe armies have been employed *ſolely againſt a nation ſtruggling for its liberties, and which ardently wiſhed for peace inſtead of war with England*: a war in which our luſty battalions left their native land, to fight they knew not why, and in which we have ſeen them, not only thinned in battle by the ſword, but miſerably periſhing, with circumſtances of unſpeakable horror, in winter retreats over frozen deſarts; and ſtill more miſerably, ſwept off, the victims of a peſtilential air in burning climes! and when for carrying into effect ſuch projects of unprincipled and unfeeling men, a heavy load of taxes is to lie a dead weight in perpetuity on the ſtruggling induſtry and the comforts of the people, words are wanting to expreſs the criminality attaching to the authors of calamities, at firſt ſo full of horror, and afterwards, in their conſequences, ſo extenſive, ſo oppreſſive, and ſo laſting!

Over the authors of *ſuch a war, in ſuch a cauſe*, ſurely the vengeance of their nearly-ruined country cannot long ſleep!

SECTION VII.

It requires but little ſkill in political combinations, and in the proper diſtribution of power in a ſtate, to ſee that in this country the combinations and diſtribution, are ſuch as to violate all principles, and to fruſtrate the moſt eſſential ends of government. Repreſentation is gone: and for a ſubſtitute, we have got a combination of corrupt and illicit traders in patronage and influence. Legiſlative and executive power ought to be totally ſeperate and diſtinct, and never ſo much as to come into contact, except merely in the perſon of the ſovereign when he gives aſſent to laws: inſtead of this they are in the ſame hands. Men ſerving the crown, and holding under it offices of power, of honour, and emolument; and men ſerving the people, as their repreſentatives and protectors againſt the incroachments of the crown, ought to move in totally different ſpheres and elements; but we ſee them not only moving in the ſame element, and partaking in the ſame councils, but—as if the ruin inſtead of the proſperity of freedom were the object of our conſtitution—we ſee the very ſame men officiating at the ſame inſtant in both characters; and we ſee a *Treaſury Bench* and a ſwarm of *placemen* in an Engliſh Houſe of *Commons!*

Can we be ſurprized that things do not go well in a ſtate ſo conducted? Can we be ſurprized at the diſmemberment of the nobleſt

colonies the world ever knew; — at wars of iniquity and madneſs, provided they do but increaſe patronage, and corrupt power, and quaſh reform; — can we be ſurprized at a mill-ſtone of debt, an inſolvent bank, and the rapid approaches of public bankruptcy; — at every token of falling empire; and at taxes on the people in ſuch infinity, that no man can name an untaxed article; nor even appear out of his door, without being badged for the purpoſes of revenue like a pariſh pauper; or, if he forget his badge, without being heartily fined for the emolument of the Exchequer, and its ſwarm of informers?

Can we, when we perceive that political liberty is annihilated, be ſurprized that barracks ſhould be created; ‡ or that we ſhould hear of "a vigour beyond the law," and of a right to import mercenary armies, even without the conſent of a parliament that was *capable of enduring the language?* or, finally, can we be ſurprized to ſee a vile apoſtate from reform and virtue, beſtriding our country like a proud coloſſus, and with the very engine of ſpurious repreſentation riveting its chains, extinguiſhing its glories, and conſigning it to wretchedneſs and diſhonour? Having elſewhere ſhewn that, while things continue in their preſent ſituation, miniſters muſt of neceſſity be identified with, and in fact completely dependent upon, the borough faction, they and the faction are conſequently to be conſidered as one corps, combined in one common intereſt neceſſarily hoſtile to that of the public, and, — in theory monſtrous, in practice, madneſs; — uniting in the ſame hands the whole power of the crown and the whole power of the commons. † Thus, then, againſt all principles, are the legiſlative and executive functions united, and we ſee the ſame men with the power of creating offices, and the power of furniſhing ſalaries; with the power of forming ſchemes of expence, and the power of voting themſelves the money; with the power of plunging their country into a war whenever it may ſuit *their corrupt views*, and the power of granting to themſelves the ſupplies. Can faction, in the luſt of dominion want more? Can a country, for its ſins, be viſited by a greater curſe?

And I wiſh that gentlemen who cannot digeſt a dinner without toaſting *the King*, as a magiſtracy they hold in peculiar veneration, and over which they would have us believe they watch with inceſſant vigilance and jealouſy; I wiſh theſe gentlemen to conſider, whether the

‡ "Nothing, then, according to theſe principles, ought to be more guarded againſt in a free country, than making the military power, when ſuch a one is neceſſary to be kept up, a body too diſtinct from the people. Like ours, therefore, it ſhould wholly be compoſed of natural ſubjects; it ought only to be inliſted for *a ſhort and limitted time*; the ſoldiers alſo ſhould live intermixed with the people; no ſeperate camps; NO BARRACKS; no inland fortreſſes ſhould be allowed." *Blackſtone's Commentaries* I 414. Our ſoldiery of the ſtanding army are *not* inliſted for "a ſhort and limitted time," but *for life*, or as long as able to ſerve.

† *Commonwealth in Danger*, p. 100. *Letter to the Sheriff of Lincolnſhire* p. 22.

ſtatement ſet before them, does not manifeſt that his Majeſty's independence is violated in the moſt atrocious manner, by the faction I ſpeak of. Theſe gentlemen muſt know, there is not a prerogative of his Majeſty, nor a branch of his government, which is, or can be exerciſed, without the advice, and concurrence, and reſponſibility, of his miniſters; except only that of *choosing* the miniſters themſelves; for even in the prerogative of mercy, the King undoubtedly acts by advice; and a miniſter who ſhould corruptly miſadviſe, would be amenable to parliament. If, therefore, the King depends for his revenue on an unconſtitutional faction of *one hundred and fifty four* men, can his majeſty have any choice of miniſters open to him, except only amongſt ſuch as are capable of identifying themſelves with this corrupt faction, and ſacrificing to it the intereſts of the public? What a ſituation is here, for King and people!

There are thoſe who do not in the leaſt diſpute our right in *theory*, but who pretend that a fair, free, and ſubſtantial repreſentation, would prove no better in *practice*, than what we have. A groſſer inſult to the human mind, it is not within the reach of my ſmall capacity to conceive. Is not this declaring, there is no difference between the poſſeſſion and the *deprivation*, of political liberty? And that whether men are the *ſervants*, or the *maſters* of their country, their conduct will be the ſame? Does not all human experience prove the contrary? Transfer but the propoſition from national to private concerns, and its ſtupidity muſt ſtrike every mind. Was ever man ſo mad, as to imagine that if his ſervants were wholly independent on himſelf, and *septennially* appointed by *ſome one elſe*, his affairs could proſper?

To argue againſt a genuine repreſentation, is to prefer corruption to purity, inſult to reſpect, fraud to fidelity, and robbery to honeſt ſervice. And is it not alſo to pronounce all who ever exerted their talents or ſhed their blood for the *rights* and *liberties* of mankind, fools, and ideots, and worthleſs perſons? But who contemplates an *Alfred* without affection, admiration, and reverence! Who deſpiſes the labours of thoſe who laid the foundations of our conſtitution, or who have tranſmitted to us in their writings the ineſtimable treaſure of its *principles?* If thoſe who obtained us *magna charta*, the *habeas corpus* act, the *bill of rights*, and the act for declaring that both *law* and *fact* come within the cognizance of *juries*, have deſerved and received the gratitude of their country, for the mere *legal protection* againſt oppreſſion from *the crown and its ſervants*, which thoſe *laws* have more or leſs at different periods afforded; what honours, what inexpreſſible gratitude and reverence muſt be due to thoſe, who ſhall ſecure to us *genuine repreſentation*, or in other words, *political liberty*, the only ſecurity for *aſſured and permament* LEGAL protection, while at the ſame time it affords a complete CONSTITUTIONAL protection againſt an abuſe of power in PARLIAMENT ITSELF!

And ſhall we profane the ſacred name of *civil liberty*, by ſo denominating that mere partial protection againſt the illegal rod of office, or that which prevents the incroachment of James upon the eſtate of John; or the invaſions of William on the property of Thomas; while yet the perſonal freedom of all men, and the eſtates and property of the whole nation, lie at the mercy of a few perſons who have monopolized *the power of making the laws!* Is deſpotiſm other than deſpotiſm, whether in the hand of *one* or of *one hundred and fifty four?* Is civil or political liberty, other than the *ſelf-government* of a nation, by a legiſlature in which a fair, free, and ſubſtantial repreſentation is the vital part?

Suppoſing deſpotiſm, whether in the handof one, as at Conſtantinople; of a ſenate, as lately at Venice; or of any faction in any country, which has by uſurpation ſecured that root of all power, *the power of law making*; to conſult only its own intereſt; is it not its trueſt policy to veil as much as poſſible from the public eye its arbritary power, and to legiſlate according to *forms* in uſe amongſt freemen? is it not alſo its wiſdom, to afford complete *legal protection*, againſt all invaſions except its own, and to inculcate the notion, that men ſo protected enjoy *civil liberty?* Will not every wiſe deſpotiſm encourage the breed, and improve the paſture of its ſheep, that its fleecings may be the more beneficial? Will it not attempt to protect induſtry, promote manufacture, and encourage commerce; that it may continually ſqueeze the ſponge of human exertion, and ſuck to itſelf the profits of all humanlabour? How this nation has been already ſqueezed, how its very blood has been ſucked let a debt of *four hundred millions* ſterling, ſince thepaſſing of the *triennial act* declare!

For ſome knowledge of what has already befallen this country, in conſequence of not having been fairly and ſubſtantially repreſented, it is recommended to the reader to peruſe *The Uſe and Abuſe of Parliaments*; alſo A *Detection of the Parliaments of England* publiſhed in 1744; and the late maſterly ſpeech of Mr. *Fox* in the debate on Mr. *Grey's* motion for a reform of the Houſe of Commons. A paſſage in that ſpeech will illuſtrate what I have advanced reſpecting the ſovereignty of the *one hundred and fifty four* "I cannot," ſays the ſpeaker, "approve of the very ungracious manner in which I ſometimes hear "expreſſions of contempt for the opinion of conſtituents; they are "made with a very bad grace in the firſt ſeſſion of a ſeptennial parliament, particularly if they come from individuals, who in the con- "cluding ſeſſion of a former parliament did not ſcruple to court the "favour of the very ſame conſtituents, by declaring that they had voted againſt their conſcience in compliance with their deſire, as was "the caſe with an honourable Alderman of the city of London. But, "Sir, there is one claſs of conſtituents whoſe inſtructions it is conſidered as the implicit duty of members to obey: When gentlemen

" repreſent populous towns and cities, then it is diſputable whether " they ought to obey their voice, or follow the dictates of their own " conſcience; but if they repreſent a noble lord, or a noble duke, then " it becomes no longer a queſtion of doubt; he is not conſidered as a " man of honour who does not implicitly obey the orders of his ſingle " conſtituent. He is to have no conſcience, no liberty, no diſcretion " of his own; he is ſent hither by my Lord this, or the Duke of that, " and if he do not obey the inſtructions he receives, he is not to be " conſidered as a man of honour and a gentleman. Such is the mode " of reaſoning that prevails in this houſe. Is this fair? Is there any " reciprocity in this conduct? Is a gentleman to be permitted, with- " out diſhonour, to act in oppoſition to the ſentiments of the city of " London, of the city of Weſtminſter, or of Briſtol; but if he dare to " diſagree with the Duke, or Lord, or Baronet, whoſe repreſentative " he is, then he muſt be conſidered as unfit for the ſociety of men of " honour " †

" This, Sir, is the chicane and tyranny of corruption; and this, " at the ſame time, is called repreſentation. In a very great degree the " county members are held in the ſame ſort of thraldom. A number " of Peers poſſeſs an overweening intereſt in the county, and a gentle- " man is no longer permitted to hold his ſituation than as he acts " agreeably to the dictates of thoſe powerful families. Let us ſee how " the whole of this ſtream of corruption has been diverted from the " ſide of the people to that of the crown;—with what a conſtant, per- " ſevering art, every man who is poſſeſſed of influence in counties, " corporations, or boroughs, that will yield to the ſolicitations of the " court, is drawn over to that phalanx which is oppoſed to the ſmall " remnant of popular election; I have looked, Sir, to the machinations " of the preſent miniſter in that way, and I find that, including the " number of additional titles, the Right Honourable Gentleman has " made no fewer, than *one hundred and fifteen* peers in the courſe " of his adminiſtration; that is to ſay, he has beſtowed no fewer than " one hundred and fifteen titles, including elevations from one rank to " another! How many of theſe are to be aſcribed to national ſervices, " and how many to parliamentary intereſt, I leave the Houſe to in- " quire. The country is not blind to theſe arts of influence, and it is " impoſſible that we can expect them to continue to endure them."

It cannot at this rate be long, ere a large majority of the Houſe of Commons will be returnable by *peers only*. And thus we ſee that if Mr *Pitt* has been foiled in his attempts to overthrow the new conſtitution of *France*, he knows but too well how to ſubvert the old one of *England*. How long will the treacherous apoſtate, be permitted to

† On the ſubject of *inſtructions* to *repreſentatives*, the reader would find great ſatisfaction, from reading *Lectures on Political Principles*, p. 150.

continue in this career! How long will it be ere our iſland with one voice ſhall demand the diſbanding of that deſolating borough-corps which, under this great captain of corruption, has made ſuch inroads on our liberties, and laid this aggrieved nation under ſuch heavy contributions!

If any deſire to know what is yet to come, from the law-making of borough parliaments—for in the progreſs of uncontrouled power there is neither ſtop nor ſtay—let them turn their eyes to *Ireland*. "It was "objected" ſays Mr. *Grattan*, "with more ſucceſs, that the conſti- "tution of boroughs, however in theory defective, has worked well in "fact; but it appeared to us that this was an hiſtoric error—we ſtated "in anſwer to that objection, that the birth of the borough inundation, "was the deſtruction of liberty and property; that James I., the king "who made that inundation, by that means *destroyed the titles* of his "Iriſh ſubjects to their lands, without the leaſt ceremony—the robbery "of his liberty was immediately followed by the robbery of his proper- "ty; for rely on it, the King that takes liberty, will very ſoon take "away property; HE WILL ROB THE SUBJECT OF HIS LIBERTY "BY INFLUENCE, AND THEN HE MAY PLUNDER HIM OF HIS "PROPERTY BY STATUTE. * There were at that time, the hiſto- "rian adds, interior grievances; what were they? *martial law and* "*extortion by the ſoldiers, in levying the Kings duties*; a criminal "juriſdiction exerciſed by the *caſtle chamber*, and a judicial power "by *the council*. Theſe inferior and thoſe ſuperior grievances, amount- "ed to no law at all. How could it happen, ſays the hiſtorian, that "the King could do all this with ſo ſmall an army, ſeize the proper- "ties of the ſubjects, and tranſport the inhabitant? I will preſume to "conjecture——the King had another inſtrument, more ſubtle and "more pliable than the ſword, and againſt the liberty of the ſubject, "more cold and deadly, —a court inſtrument, that murders freedom "without the mark of blood; palls itſelf in the covering of the con- "ſtitution, and in her own colours, and in her name, plants the dag- "ger—A BOROUGH PARLIAMENT." †

* Mr. *Grattan* it is plain, ſees the true diſtinction between taxing and plundering. If money be *given* and *granted* to the executive power, by the *real* repreſentatives of the people, they are TAXED: if voted away by any other deſcription of perſons whatever, they are PLUNDERED. If, through the operation of unjuſt and anticonſtitutional LAWS, all aids to the executive power, ſhould come to be voted by perſons who did not repreſent the people, could ſuch a people be ſaid even to have *legal* protection?

† The paſſion for arbitrary dominion, like every other vice, is ſhort-ſighted. Its very inſtruments become in the end its deſtruction. Kings form ſtanding armies, which in time ſet up and put down, create and murder, Kings at their pleaſure. Kings contrive borough parliaments, which, although for a while convenient inſtruments, at length turn the tables: finding, like ſtanding armies, their own ſtrength, they in the end ſeize to themſelves the ſolid dominion. What is likely to be the final conſequence to *Kingly power*, from repreſentative aſſemblies depending neither on Kings nor people, it is for Kings and their honeſt counſellors well to conſider.

Again: " He, the Deputy, had, ſaid the hiſtorian, two great objects " —one was to fleece the people of Ireland, and the other was to cheat " them?—to get the money, and elude the graces. He ſuceeded:— " Why? Becauſe there was another, a third inſtrument, worſe than " himſelf—A BOROUGH PARLIAMENT:—That borough parliament " met, it voted ſix ſubſidies, and redreſſed nothing. This is virtue " and public ſpirit, in compariſon to what it did after: After commit- " ting theſe crimes for which the Deputy juſtly loſt his head—after " having ſeized part of the province of Connaught—after the inflict- " ing martial law—monopolies—raiſing an army againſt law—and " money to pay that army againſt law—after fining and confining " againſt law—THE BOROUGH PARLIAMENT vote that Deputy an " extraordinary ſupply, and in the preamble of the act they paſs on " that deputy an extraordinary panegyric, with ſuch a thorough con- " viction of his iniquity and their own, that they after *impeach that* " *very minister for those very acts*, and record a proteſtation againſt " the record of their own panegyric, to give way to the meanneſs of " another BOROUGH PARLIAMENT, who, on the return of his fami- " ly, cancel the record of the proteſtation to reſtore the force of the " panygeric:—Maſſacre—confuſion—civil war—religious fury follow- " ed naturally and of courſe. Here you ſee (in *a borough parliament*) " hatched and matured the egg that produced the maſſacre, and all " that brood of mortal conſequences."

So much, then, for the *practical* effects of BOROUGH PARLIAMENTS in Ireland, where the proprietors of boroughs, and the ſervants of the crown, have had the voting away of the people's money.

Behold the plain ſenſe and ſober wiſdom of Engliſh *America*. In *seventeen* nations, you do not in a ſingle inſtance ſee the ſame men the moving ſprings of *executive* power, and at the ſame time *legislators*, to beſtow approbation and ſupport on their own acts; nor do you ſee any of thoſe ſervers of God and Mammon, who pretend to ſerve two maſters in oppoſite intereſts with equal fidelity. Neither are any ſuch to be found, under the new conſtitution of *France*. * You do not ſee *Reubel* or *Reveilliere Lepaux* ſkipping, like harlequins, from the cabinet to the legiſlature, from the legiſlature to the cabinet; here, in the ſhape of executive directors; there, in the form of popular deputies; here, declaring war; there, voting to themſelves ſupplies; one moment, iſſuing raſh and inſidious proclamations to the people; and the next, as repreſentatives of the people, *moving* addreſſes, and pronouncing panegyrics on their own performances; nor do you ſee them in the morning, penning as executive directors a meſſage to the council of elders and council of five hundred; and in the evening, as members of thoſe coun-

* *See Legislative Rights of the Commonalty vindicated*, p. 9. 179. publiſhed *twenty* years ago; in which the doctrine is laid down.

cils, *proposing* and *voting* thanks for the most gracious message from the Directory. No: neither in *America* nor in *France* do we see any of these things; † and yet, even in the latter country, where we know the calamities and severities of that revolution which has given them freedom, must have made a vast number of individuals in the highest degree dissatisfied and hostile to the government, we see the government completely supported by two councils of popular representatives, *amongst whom it cannot command a single vote.* The man in either of those countries who should maintain the doctrine (so common in another country which shall be nameless) that, *without an influence to command a majority*, government could not be conducted, might think himself well off, if he escaped the reputation of a knave, by being branded as a fool.

Considering the lamentable ignorance of our constitution, which rendered it possible for such statutes as the disfranchising Act, the triennial and septennial acts, first to pass at all, and then to continue so long unrepealed, we must not wonder, if we find even parliaments of our own day, not yet so fully impressed with, and attentive to, the distinction between the constitution and the law, so clearly pointed out by Lord *Abingdon*, and so ably established by other modern writers, as to be free from mistakes. A very palpable mistake, which an attention to his distinction might have prevented, may be seen in the two well known Acts of Mr. *Pitt* and Lord *Grenville*, passed in December 1795; both of which speak of "the government and constitution of this realm as *by law* established;" from whence it clearly appears, parliament had fallen into the error, of supposing the *descendent capable of begetting the progenitor*; an error sufficiently refuted, I trust, in these pages. *

But if *law* could *make* us a constitution, it could of course *unmake* it again; because those who make *laws*, can also repeal them. What a blessed situation we should then be in with the happiness of having it in the power of the *one hundred and fifty four*, to make and unmake constitutions for us at their good pleasure! ‖ But, in the debate on the *Duke of Bedford's* motion, of the 30th. of May, where was the *recollection*, and where the fairness, of my good Lord *Grenville?* If the Morning Chronicle of the next day report faithfully, his Lordship then said, that "to take away the elective franchise" [almost totally to disfranchise all corporations at a brush, to make a new distribution of the country into departments, to strike at all property, secure contests, and

† Nor will they, if our remark, p. 7. be founded in a knowledge of human nature be seen in *Holland*, in *Belgium* or in *Italy*, nor in the new republic just starting up on the Banks of the Rhine. * See in particular p. 15. 16. &c.

‖ I perfectly well recollect that the crown and the peers must also be parties: but that recollection, whether I consider the mere *nature* of those branches of the legislature, or the large share of the people's branch to which both have already helped themselves, does not the more reconcile me to the making or unmaking constitutions for us, in the present state of our representation.

change the whole frame of our conſtitution,] " was a violation of" [inheritance and of] " fundamental rights, which the two houſes " of parliament *were not competent* to enact, and to which his Majeſty " *could not* give his aſſent. "

Now, for the benefit of ſuch of my plain country neighbours, as are not verſed in the dexterities of orators, I have incloſed in hooks all the gibberiſh of this piece of eloquence, thrown in by the orator for obſcuring the queſtion, which in its own nature is a very plain one. I have already ſhewn by what means the ſovereignty and the purſe of the nation, have, in effect, fallen into the hands of the faction of *one hundred and fifty four*; which all intelligent friends of reform think the ruin of our conſtitution and liberties: Lord *Grenville*, in the same ſpeech, calls this, " the preſent happy ſyſtem. " The Duke of *Bedford*, while arguing for a change of men and *meaſures*, had declared that, " the " *moſt* salutary change, would be a change in the repreſentation of the " people : " Such a change ſaid Lord *Grenville*, almoſt in the very words of our Counter-petitioners, " went to the *direct overthrow* of " our *preſent* ſyſtem, in church and ſtate. " †

This, however is only clumſy aſſertion; but his Lordſhip's dexterity conſiſts in mixing with what I call his gibberiſh, a mention of " the " elective franchiſe " and " fundamental rights " and then, upon the ſtrength of theſe ingredients in his premiſes, drawing his concluſion againſt the competency of the King and two houſes of parliament united, to violate the rights mentioned in his premiſes; the whole of which he aims artfully to paſs off as " *fundamental.* "

Although it was convenient at the moment, to throw about his duſt, of " departments, " " conteſts " " corporations, " " property, " and " inheritance, " his Lordſhip could not be ſo groſsly ignorant of the conſtitution, as really to think and believe the elective franchiſe, which is truly a right inherent and " fundamental. " in every Engliſh commoner, was, like a *property* in chattels, capable of being juſtly *accumulated* in private hands; or monopolized by the celebrated *corporations* in Cornwall, to the prejudice of common right; and ſo made a ſaleable commodity, tranſmiſſible with eſtates in old houſes, or THE STONES IN A WALL, * as an *inheritance*, for commanding the ſeats in the houſe of commons. Nor, although his brother of *Buckingham* diſpoſes

† " I ſpeak therefore on the queſtion, though perſonal to myſelf, becauſe I believe " that his Majeſty's miniſters poſſeſs the confidence of the people; and becauſe *their* " *continuance in power*, is eſſential to the preſervation of *the preſent happy ſyſtem.*" See the Speech.

* Certain Stones in the park wall at *Midhurſt*, marked 1, 2, 3, &c. ſhewing the ſpots where once ſtood burgage houſes; each of which ſtones on a day of election, either voted itſelf, or communicated a power to ſome perſon to vote for it. I am told that theſe ſtones, which, when I ſaw them ſome years ago, were rather vain of their " elective franchiſe " and fundamental rights, " and oſtentatiouſly ſhewed themſelves to every traveller on the adjacent road; have grown more modeſt of late, and retired to the inſide of the wall or elſwhere out of ſight.

of *six* of thoſe ſeats, and his couſin of *Camelford* of *two*, and other peers have the diſpoſal of about *one hundred and forty more*,* which do for the preſent ſcandalouſly paſs as an *inheritance* from father to ſon, we cannot pay ſo ill a compliment to his Lordſhip's underſtanding, as to imagine him ſo ridiculous, as to dream of ſeats in the Houſe of *Commons* by hundreds, being the "fundamental rights and inheritances" of *peers* of the realm. It is, therefore, perfectly clear, that the words I have incloſed within hooks, are either nonſenſe or ſuperfluous; and that thoſe which remain, contain all the conſtitutional meaning to be found in the paſſage.

But, were this point even doubtful, it cannot poſſibly be diſputed, but that I have his Lordſhip's complete ſupport to the doctrine maintained in theſe pages, that, "TO TAKE AWAY THE ELECTIVE "FRANCHISE" of Engliſhmen, "IS A VIOLATION OF FUN-"DAMENTAL RIGHTS, WHICH THE TWO HOUSES OF PARLIA-"MENT, WERE NOT COMPETENT TO ENACT, AND TO WHICH "THE KING COULD NOT GIVE HIS ASSENT"† Repeal, then, O! ye Legiſlators, thoſe violating and ſpurious laws I have pointed out; *which have absolutely taken away the whole of the elective franchise from a vast majority of the people, and which deny it to the remnant of them for six parts in seven of haman life!* From the doctrine maintained by Lord *Grenville*, his lordſhip muſt know that the ſtatutes referred to, "BE NOT STATUTES BUT CORRUPTIONS;" and being "IN-COMPATIBLE WITH THE CONSTITUTION, ARE IN THEM-SELVES VOID"

Before Lord *Grenville* ſhall again play the orator, on the ſacredneſs of "fundamental rights," which not even the united powers of the legiſlature may violate, it is to be hoped that his Lordſhip will be prepared to inform us, how thoſe *peers* of the realm who *have* violated the "fundamental rights" of the commons to the degree I mention, are to be dealt with. "With regard to the election of knights, citizens, "and burgeſſes; we may obſerve, that herein conſiſts the exerciſe of "the democratical part of the conſtitution: for in a democracy there "can be no exerciſe of ſovereignty but by *ſuffrage*, which is *the declara-"tion of the people's will.* In all democracies therefore it is of the "utmoſt importance to regulate by whom, and in what manner, the "ſuffrages are to be given. And the Athenians were *ſo juſtly jealous*, "of this prerogative, that *a ſtranger*, who interfered in the aſſemblies of "the people, was puniſhed by their laws with *death*: becauſe ſuch a "man was eſteemed guilty of high treaſon, *by uſurping thoſe rights "of ſovereignty, to which he had no title.* In England, where the peo-

* See page 4.

† Was it then, for nothing, that my Lord *Grenville*, and his couſin *Pitt*, who knows as well as Lord *Abingdon* that law is *not* the creator of conſtitutions, uſed the phraſe, "the government and conſtitution of this realm as BY LAW eſtabliſhed?" It is a queſtion very fit for the reader's meditation.

" ple do not debate in a collective body but by representation, the ex-
" ercise of *this sovereignty* consists in *the choice of representatives.*" §
Mr. *Pitt some years ago*, was highly scandalized and offended at one particular *stranger*—the Nabob of Arcot—having " interfered in the " assemblies of the people," so as to seat in the House of Commons *seven* or *eight* members: and has not my good Lord *Grenville* one particle of indignation, for those *coronetted strangers*, who so treasonably interfere in " the choice of representatives " of the Commons, as already to usurp *one hundred and fifty* of the seats in the democratical part of the constitution! And where I would ask is the difference in the *intention*, (which is the essence of every crime) between him who is the *violater* of a constitution, and him who to the utmost of his power supports and upholds *the violation*, proving by his arguments that he perfectly well knows the crime he is committing. And is not this noble lord, who is reported thus to have built his argument on *the main principle of the reformers*, one of those who have been most strenuous in prosecuting others even unto death, for maintaining and acting upon that principle, ? Such is the wide difference, in a certain state of a government, between private individuals asserting true principles in support of reform, and men in power insidiously applying the very same principles, to uphold the corruptions which destroy freedom, and ruin a nation!

And here the reader will find my remarks on *Blackstone* fully justified: for his ideas of the *constitution* were so extremely confused and inaccurate, and his notions of parliamentary power, through the influence of his professional studies, so extravagant, that he says " Parlia " ment can *change* and *create* afresh even the constitution of the king-" dom and of parliaments themselves; as was done by the act of " union, and the several statutes for *triennial* and *septennial* elections."† It is perfectly astonishing that the penning of such a paragraph, should not stagger a mind naturally so strong as his, and lead it to consider not only on the *principles* to be sacredly attended to for preserving the purity of parliament, but on the proper *limits* of parliamentary authority; especially as he was by no means blind to consequences. " For " if ever it should happen, " says he " that the *independence* of any " one of the three branches of the legislature should be lost, or that it " should become subservient to the views of either of the other two, " there would soon be *an end of our constitution.*" ‡

And he adds these remarkable words " The legislature would be " *changed* from that, which was originally set up by *the general consent* " *and fundamental act of the society*; and such a change, however " effected, is according to Mr. Locke (who perhaps carries his theory " too far) at once an entire dissolution of the bands of government;

§ Commentaries I. 170. † Commentaries I. 161. ‡ Commentaries I. 51.

" and the people are thereby reduced to a ſtate of anarchy, with liberty " to conſtitute to themſelves a new legiſlative power." The word " perhaps " in this paſſage is evidently a mere apology to his courtly readers, for quoting a doctrine he approved; for had it been rejected by his underſtanding, it ought to been altogether rejected in his reaſoning. Here then, we find a *conſtitution* diſtinct from *law*, a " *general conſent and fundamental act of the ſociety*, " which is ſo ſacred *it cannot be changed* without even diſſolving all the bands of ſociety; and it is pronounced that ſuch a diſſolution has actually taken place, whenever any one branch of the legiſlature is become either *dependent* or *corrupt*.

In the idea of " changing and creating afreſh, " the power of *abolition*, *deſtruction*, and *annihilation* is neceſſarily included. Now, retain but the proper diſtinction in your mind, between a *conſtitution* and a *law*, and then it will be ſeen our learned lawyer, in the paſſage firſt quoted, maintains that which is equivalent to aſſerting, that a child may at his diſcretion rightfully imbrue his hand in the blood of his parent, and deſtroy and annihilate his exiſtence. But in the laſt paſſage, taken from his introduction, and conſequently laſt written, he ſets all right again. Now, mark the danger of error reſpecting the *principles* of government; and the extreme to which a *Blackſtone* is carried, by not fully underſtanding the nature and happy ſimplicity of *political liberty*. While deſcribing our *conſtitution*, he ſpeaks according to a natural ſenſe of what is right, when he ſays, " the legiſlature of the kingdom " is entruſted to three diſtinct powers, entirely *independent* of each " other; firſt, the King; ſecondly, the lords ſpiritual and temporal, " which is an ariſtocratical aſſembly of perſons ſelected for their piety, " their birth, their valour, or their property; and thirdly, the Houſe " of Commons, *freely chosen by the people from among themselves*, " which makes it a kind of democracy;" † And he had a faint notion of the reform which was wanting, when he obſerves, " not that " I aſſert it is in fact quite ſo perfect as I have here endeavoured to " deſcribe it; for, if any alteration might be wiſhed or ſuggeſted in the " preſent frame of parliaments, it ſhould be in favour of *a more complete* " *representation of the people.*" ‡

But when contemplating the poſſible *corruption of parliament*, knowing " that England can never be ruined but by a parliament," ‖ and being convinced that to preſerve " the rights and liberties of En- " gliſhmen from violation, it is neceſſary that the conſtitution of par- " liament be ſupported *in its full vigour*, " § he does not, as the parliamentary reformers now do, ſhew *how* this " full vigour, " when once loſt is to be reſtored; he does not, as they now do, enlighten the public mind, by explaining the true and ſole foundations on which *political liberty* ſtands; nor does he, like them, inculcate this peaceable

† Commentaries, I. 50.
‡ Commentaries, I. 172.
‖ Commentaries, I. 161.
§ Commentaries, I. 144.

doctrine—" If it ſhall once be ſeen and felt by parliament, that the ' nation in general underſtand their rights, their petitions will then ' undoubtedly bring about the wiſhed-for reform; and although the ' diſeaſe be in parliament itſelf, the cure will nevertheleſs be performed " by the authority of King, lords, and commons, in parliament aſſem- " bled;" but, apparently conceiving a parliament once corrupted, as incapable of ſelf-regeneration, he calls the corruption of parliament " a diſſolution of the government, " and points to no other means of getting rid of the miſery of ſuch a ſituation, but to the rights and powers inherent in the people, who may by a new " general agreement " and fundamental act of the ſociety," " conſtitute to themſelves a " new legiſlative power;" which of courſe might be in what form they ſhould pleaſe.

With ſuch doctrine as this in the oracle of our *Law*, have a *Skirving*, a *Palmer*, a *Gerald*, and a *Muir*, been tranſported to *Botany Bay*, for being parliamentary Reformers! While apoſtates from liberty and the conſtitution are the rulers of the land.

Since the foregoing obſervations have been in the preſs, we have witneſſed a moſt extraordinary event in the government of France. That the conſtitution of that country has been groſsly violated is manifeſt; and that the cauſe of liberty is thence for a while likely to ſuffer in the eſtimation of mankind is much to be lamented. Whether an abſolute and imperious neceſſity dictated the meaſure, or it was the effect of a factious and arbitrary ſpirit, time will probably unfold.

The odium of the meaſure alluded to, ſeems to have been chiefly thrown upon the Directory; and, if falſe accuſation were part of it, their criminality is great; but the Legiſlative Councils have been the grand violaters of the *conſtitution*. To arreſt traitors in the act of rebelling or in the act of conſpiring to overthrow the government, was on the part of the Directory a duty; and having carried the parties before the police, and laid the caſe before the legiſlature, the executive functions on ſuch an occaſion were at an end; nor does it appear the Directory went farther: but the two councils have acted as if no conſtitution, but their own good pleaſure exiſted; having aſſumed and exerciſed extravagant and unwarrantable powers without the ſmalleſt regard to juſtice or to law.

It was their office, firſt, to have decided whether or not there was ground for accuſation; and then, in caſe of agreeing there was ground, to have created by their proclamation the High Court of Juſtice preſcribed by the conſtitution, and to have delivered up to that court the perſons accuſed. Inſtead of this, as if poſſeſſed of deſpotic power, they refuſe the accuſed any trial at all, but condemn them unheard, and inflict on them an horrid ſentence, in a mode the moſt iniquitous; that is, by an *ex poſt facto* law.

Notwithſtanding the degree of influence which may ſtill be ſuppoſed to remain with the prieſts, the nobles, and the royaliſts, and that the fabric of their government has not yet had time to ſettle well on its foundations, it is difficult to conceive that nothing ſhort of ſuch flagrant injuſtice could ſave the ſtate. If, indeed, ſuch a violation of the forms and proviſions of their conſtitution, were abſolutely neceſſary to preſerve its exiſtence, againſt a faction bent on the reſtoration of deſpotiſm, the French rulers will owe it to their country and to mankind, to produce in due time the proper vindication of their conduct.

A *Pretender* is a very convenient bug-bear. It was in *England* the exiſtence of a *Pretender*, and the intrigues imputed to his partizans, which furniſhed the pretended neceſſity for our *Septennial Act*. It may therefore not be uninſtructive to compare the two caſes. By a groſs violation of juſtice in *France*, in the perſons of a conſiderable number of eminent perſons, the crime of the government is as it were perſonified; it ſtalks in our view like a character on a ſtage; it becomes palpable to the dulleſt intellect, it touches the moſt torpid feelings, and thus it makes an indelible impreſſion on every mind; beſides which, the act is ſo recent, as to have the ſame effect as if ſtill preſent before our eyes. Whereas reſpecting the injuſtice committed by the parliament of *England*, in paſsing the Septennial Act, the caſe as to the preſent generation is far otherwiſe: the act paſſed fourſcore years ago, nor did its baneful operation attach particularly on diſtinguiſhed men, as martyrs on the occaſion to excite our ſympathy, and body forth to our imaginations the violation of our conſtitution. In our caſe, a greater ſhare of conſtitutional knowledge, a more refined ſenſibility, and an elevated ſenſe of the value of political liberty, are neceſſary for comprehending and feeling the injuſtice of the act; although the wrong were infinitely more extenſive in its nature than that which a few Frenchmen have recently experienced, and inexpreſſibly more pernicious in its conſequences. If any in *France* have been injured, they are *individuals*, accuſed of the greateſt of political crimes, an attempt to ſubvert a free government and erect on its ruins an odious deſpotiſm, through the means of aſſaſſination and civil war: whereas in *England* the parties grievouſly wronged were *the whole nation*, and by means which, as far as they go, are a complete ſubverſion of freedom.

The true diſtinction of conduct between the French legiſlative councils of 1797, and the Engliſh parliament of 1716, is this: the French legiſlators have violated the *legal protection* of a few citizens accuſed of the greateſt crimes? whereas the Engliſh legiſlators violated the *political liberty*, of the whole people: the former trampled on certain principles held ſacred in every free government, which ever regards in an eminent degree perſonal ſecurity and a pure adminiſtration of juſtice; but the latter trampled on the very firſt principle of all freedom and that from which not only perſonal ſecurity and a faithful admini

ſtration of the laws muſt flow, but without which no one of the benefits of the ſocial compact can be aſſured to a people.

The French Councils have as it were ſtunned liberty by a rude and violent blow; but as the body politic is not thereby maimed or mutilated, as the conſtitution remains in all its forms, and the *political liberty* of the people has not been incroached upon, * the injuſtice may not only end with the act, but it may ſerve as a leſſon for ſecuring the people againſt a repetition of ſuch violences. If worthy of liberty, they may conſequently vindicate its principles and ſtrengthen its foundations, and this very violation may be the cauſe of ſo doing. But it is not ſo, when the injury a people receives, is the deprivation of their political rights and power, and the conſequent annihilation of their *political liberty*. From that moment, they have loſt all peaceable means of ſelf-preſervation, they are as a helpleſs herd before their drivers, diveſted of their characteriſtics of manhood, deliberation and free will, in all that relates to the management of their common concerns, and their whole property lies at the mercy of thoſe who have deprived them of their freedom, and who will never want pretexts for new taxes as long as the people have a ſhilling remaining.

To the French nation, the preſent act of violence may prove valuable experience; becauſe they are in a condition to profit from it; but the only knowledge which the people of England have gained from the Septennial Act, and the two former ſtatutes of the ſame ſtamp, is, that the right of having a conſtitutional influence where laws and taxes originate hath paſſed from them; and that they are left, for redreſs of the greateſt of all political wrongs, to the effect of humble petitions, to be addreſſed to men who have every motive for rejecting them, which can ariſe from ariſtocratic pride, pecuniary intereſt, and corrupt ambition.

* I muſt not be underſtood to inſinuate that, by the conſtitution of *France*, the people are in full poſſeſſion of political liberty. In truth I think their ſyſtem very defective. A repreſentation of *a repreſentation* is not a repreſentation of *a people*. The ideas are clearly diſtinct. Such a repreſentation is a political *ſoup maigre*, on which a vigorous and healthy liberty cannot long ſubſiſt. If the electoral aſſembly, inſtead of chooſing the legiſlators, acted only as a committee for recommending proper perſons to the choice of the people; they might in extenſive departments anſwer a valuable purpoſe: whereas nothing but their own annual appointment by a ſuffrage nearly univerſal and the eſtabliſhed excluſions can prevent their degenerating into ſomewhat equivalent to our rotten borough. It is in theſe electoral aſſemblies the ſeeds of corruption will be firſt ſown. If once they can be made ſubſervient to faction, the conſtitution muſt be reformed, or it will be gone for ever.

The conſtitution ſays, "The members of the legiſlative body *are not repreſentatives of* "*the departments which nominates them* but of the whole nation." This puts me in mind of a pleaſant child, who called a *ſquare* picture-frame *round*. The mother ſaid, "my dear "it is *ſquare*:" the child maintained it was *round*. "You know my dear," rejoined the mother, "the difference between ſquare and round, and you ſee this frame is *ſquare*." "Pleaſe mamma," replied the child, "to let it be *round*." Pleaſe, therefore, good electors of *France*, to let your repreſentatives be *not your repreſentatives*; and pleaſe to have a repreſentation of *a whole*, without a repreſentation of *the parts*; notwithſtanding the repreſentation is to be *created* piece-meal, *in* and *by* the parts!

In this ſituation, we muſt not be ſurprized they ſhould be told by an upſtart epiſcopal lord of parliament, "they have nothing to do with the laws but to obey them;" nor that a new created peer and ſecretary of ſtate ſhould have the effrontery to declare, that the only laws which could give them redreſs, are what "the two houſes of parliament are *not competent* to enact, and to which his Majeſty *could not* "give his aſſent." What! are king, lords and commons competent to enact laws which deſtroy our liberties, and incompetent to repeal them! —— In the preſent fermenting ſtate of the human intellect on political eſtabliſhments, are ſuch counſels for the peace of our country, or the perſervation of our conſtitution? —— Are they within the meaneſt notions of prudence or decency? —— And is it to ſuch hands our affairs are entruſted, in a conflict which has ſhaken every throne in Europe, and in a political ſtorm requiring pilots of conſummate wiſdom and the moſt conſpicuous integrity!

But to return from this digreſſion on the late legiſlative meaſure in *France* which has attracted ſo much attention, to the author we were conſidering, it may be obſerved, that ſo little indeed did *Blackſtone* underſtand the nature and true principles of political liberty, and ſo far was he from noticing the mortal ſtabs it received by the three ſtatutes in queſtion, he even enumerates amongſt "the laws for aſcertaining "limiting, and reſtraining the royal prerogative," and for aſſerting "our liberties;" * the act for triennial, ſince turned into ſeptennial, "elections;" * and as a lawyer he quotes the original ſtatute of *diſ*franchiſement, as an authority, and with approbation; notwithſtanding his natural feelings of liberty and ſenſe of equity as a *man*, had on the very ſubject he was then diſcuſſing, and only in the preceding page, extorted from him this declaration. "If it were *probable* that every man "would give his vote freely, and without influence of any kind, then, "upon the true theory and genuine principles of liberty, every member "of the community, however poor, ſhould have a vote in electing "thoſe delegates, to whoſe charge is committed the diſpoſal of his pro"perty, his liberty, and his life." †

Here, then, is the ſole ground and pretence, on which the firſt mortal ſtab was given to the political liberty of England: a bewildered lawyer's "probable!" the crafty ſtateman's "probable!" the wealthy and proud man's "probable!" But he who wants to find the VENALITY which *has* ruined our country, muſt not with theſe bewildered or thoſe arrogant men look *downwards*, but in a contrary direction. The right to political liberty being inherent, unalienable and fundamental, it is not to be held at the diſcretion of any. To thoſe who are without political liberty, legal protection is precarious; and their condition correctly conſidered, is that of political ſlavery. It conſequently follows, that either to take away, or to with-hold political liberty, is tyranny.

* Commentaries, I. 334. † Commentaries, I, 170.

" Probable! " Good God! ſhall the human ſpeices, whom thou haſt created rational and free, be thus deſpoiled of liberty and conſigned to the unſpeakable miſeries of enſlaved nations, for ſuch ſtupidities in argument!——What pity it is *Blackſtone* had not better known the uſe of his own maxim, that " The ſuppoſition of *law* is, that neither the " King nor either houſe of parliament (collectively taken) is capable " of doing any wrong? " †

Monteſquieu, with his eye fixed on *England*, had ſaid, ' All the inhabitants of the ſeveral diſtricts, ought to have a right of voting at the election of a repreſentative except ſuch as are in ſo *mean a ſituation*, as to be deemed to have no will of their own.' Upon which the author of the admirable Lectures on Political Principles, obſerves, " No " meanneſs of condition, ſhort of ſlavery, correſponds with the deſcription. That which verges nearly on it, is the condition of a courtier; " of the families of an ignorant, vicious, or needy nobility; or of a " prieſthood uniformly devoted to intereſt and views of preferment;— " theſe are the perſons to be excluded, if baſeneſs of mind, or meanneſs " of talents and circumſtances are to be conſidered as reaſons;——not " the honeſt, the laborious peaſant; not the ingenious or induſtrious " artificer, whoſe talents are the pillars of ſociety. " *

" Crimes there may be, which ſhould diſfranchiſe particular citizens " on conviction, but all orders, affected by the laws, ſhould have ſuffrages, in conſtituting legiſlators. " *

As abſtract arguments, however clear and ſtrong, do not affect all minds alike, it may not be amiſs to put the injury done the commons of this country into ſome viſible ſhape, and to place it in a familiar point of view. Let us then put it in the form of a numerical calculation, ſuppoſing the original paſturage on the common of liberty, to be expreſſed by the number *ſeventy*. This common-right then, by the firſt incroachment, or violation, under *Henry VI.* is reduced from *ſeventy* to *ſeven*; and by the laſt, under *George I.* is cut down to an unit. From *ſeventy* it becomes only *one*: and even this *one*, by the borough-traffic, is ſoon reduced to what is algebraically expreſſed by the word *minus*, ſignifying *leſs than nothing*. Such then, be the forms and flouriſhes what they may, is the true ſtate of our account, as written in the book of our national ſtewards. What ſignifies to us, the ſuperb binding, ſparkling crowns, and gilded coronets, which decorate the guady cover of the book, if ſuch within be its melancholy contents!

But ſome may ſay, we are not even yet " *convinced*; " becauſe we of a certainty know, that we ourſelves and thouſands beſides have *votes*; and therefore according, to your reaſoning, as we underſtand it, *we at*

† Commentaries, I. 244.

* Page, 153, 155. Although, in the paſſage here quoted, there is a degree of ſatire which may probably prejudice the reader againſt the work referred to, he may be aſſured he will find it a work of very ſuperior value.

least, have political liberty. I anſwer: Attend but to the *whole* of my reaſoning, and the fallacy will diſappear. *Political* liberty is eſſentially different from *physical* liberty. As far as no phyſical cauſe prevents my uſing my hands or my feet, I may, either in *England* or in *Algiers* play on the fiddle or dance a jig, although others around me ſhould be chained hand and foot; and ſo far it is very clear, I enjoy *physical* liberty; which is altogether a perſonal enjoyment; whereas political liberty is a *ſocial* enjoyment or condition. A man's *political* liberty, then, is *his ſhare* of the *ſelf-government* of his country, or of that liberty it exerciſes in *making its own laws*. If *a decided majority* of that legiſlative aſſembly, which ought to be purely repreſentative, be no longer elected by the people, but appointed by an oligarchy, the political liberty of the country is not merely diminiſhed, but ſubverted and deſtroyed; becauſe the oligarchy have eſtabliſhed over it, a power which is completly arbitrary, and can make what laws it thinks fit.

If a country ſo circumſtanced be no longer a free country, where is the *political* liberty of *the individual*? If the power of the country to make its own laws, have become a non-entity, where and what, is the individuals *ſhare* of ſuch power? A ſhare in a non-entity, is a non-entity. And although a man were ſtuck as full of votes, as the firmament with ſtars, if his country have loſt the power of making its own laws, by repreſentatives of its own choice, *he has unqueſtionably loſt his political liberty*. After this, trudging to the county town to diſpoſe of his vote, and trudging to market to ſell butter and eggs are entirely on a par: like playing on the fiddle, or dancing a jig, they are equally evidences of *phyſical* freedom, or of legal protection; but that is all.

Thus, then, my friends and countrymen, I have appealed to your underſtandings and to your hearts, in the cauſe of liberty. With what ſucceſs, remains to be ſeen. I perſuade myſelf the appeal will not be altogether fruitleſs; becauſe I believe I ſpeak the words of truth; and truth, I know is powerful. Whether, with reſpect to the politics of the day, you be miniſterial or antiminiſterial, the cauſe is equally your own; and it is equally your intereſt to agree with me, if I be right. Whatever may be my own ſentiments of our preſent miniſters, thoſe ſentiments, I am ſure, have in no wiſe influenced my arguments, touching the fundamental principles of civil government in general, or of our own conſtitution in particular. No change of miniſters has ever changed, or, I truſt, ever will change, the complexion of my politics. They were the ſame as now, when Mr. *Fox* was in power: they were the ſame as now, when Mr. *Pitt* was in oppoſition: and they were the ſame before the French revolution, as they have been ſince. This at leaſt furniſhes a preſumption that, whether or not I have found truth, I have at leaſt ſincerely ſought it. Party politics, therefore, I have none; but ſuch as I have, give I unto you.

SECTION VIII.

There is a ſhort paſſage in the Counter-petition, on which different judgments have been formed, and by which ſome curioſity has been excited. In identifying the prior meeting to which the Petitioners allude, they do not, after ſaying of what *deſcription of perſons* it was compoſed, *where* it aſſembled, and *when*, ſtop at *that* uſual reſting place; but, in a parentheſis they add, ("at which meeting JOHN CARTWRIGHT ESQ. was chairman.) Some will have it, but ſurely without ſufficient grounds of probability, that a perſonal compliment was here intended. The contrary will be learnedly, ſagaciouſly, and evidently proved, by the three very ſolid reaſons which follow: Viz

I. As the parties were aſſembled in a *patriotic* meeting, ſuch a proceeding would have been out of character, and quite inconſiſtent with the new order of things in meetings of that kind; for the old practice of *perſonal compliments* is exploded, and the rule now is to ſtick to *principle* only.

II. In the light of a compliment, the parentheſis is undoubtedly ſubject to conſiderable difficulty; for a critic will naturally aſk, in what does the compliment conſiſt? Does it conſiſt, merely in announcing to the Commons of Great Britain in parliament aſſembled, that a certain citizen had, at a certain civic meeting, been invited to the honours of the chair? Or does it conſiſt, in advertiſing him by name in the news papers; and holding him up to the Borough-holders in the Houſe of Commons, as Chairman of a meeting of Incorrigibles, treaſonably conſpiring againſt *their majeſties, the one hundred and fifty four?*

III. It could not be meant as a mere *private* perſonal compliment, becauſe the parentheſis had its *public* uſes; ſo that if any compliment at all were intended, it certainly was of a ſecondary nature, and made ſubſervient to the principal deſign. In fact, our ingenious Counter-petitioners, ruminating on the plot of their little piece, perceived this parentheſis was an important feature of the drama;—the very mainſpring of the machinery, and admirably contrived for ſtage effect. Likewiſe remembering their drama was of that peculiar ſpieces called the ſolemno-ludrico, or ſolemn burleſque, by which *inward* mirth only is intended to be excited; and well knowing how difficult it muſt be, for the Houſe of Commons to command its riſible faculties, while with demure ſolemnity they ſhould tickle its fancy by telling it, that *its own reform would ſubvert the conſtitution*, it was abſolutely neceſſary, by ſome ſudden and vehement ſhock of its delicate nerves, to produce a ſtrong anti-riſible ſenſation, and excite for the moment, either anger, or terror, or horror, or other grave and ſober paſſion; in order that it might be able to keep its countenance during the performance. How could ſuch an effect be ſo certainly produced, as, during the innocent and gentle exordium of the piece, by cauſing to burſt unexpectedly on the gaze of

the aſtoniſhed and alarmed houſe, this anger-rouzing, terror-moving, horrible " *black dog* " of reform !—this very Raw-head and Bloody-bones of Univerſal Suffrage !—What an admirable thought! What a grand idea !—How ſinks in the compariſon, O! *Burke*, thy dagger of *alarm*, with our Counter-petitioners black-dog of *reform* !—Nor was this happy ſtroke of Rhetoric without its effect; for it is an undoubted fact, that a large majority did not ſo much as once laugh—till they got out of the Houſe; except inwardly; but that, indeed, to do juſtice to this admirable ſolemno-ludrico drama, we may be ſure they did moſt heartily.

The *parenthesis* of the counter-petition, it was incumbent on me, in common civility, not to overlook; and there is another paſſage in their curious compoſition, which, because of the Propoſal I have to make, muſt not be paſſed over unnoticed.

The Counter-petitioners ſay the original petitioners, " did not, *as* " *they verily believe*, expreſs the real ſentiments of the inhabitants in " general, "—" but only of *a very ſmall number of perſons &c.* " Had we, indeed, aſſumed the unwarrantable power of ſpeaking, either expreſsly or by implication, *for other men*; or had we, either in the title or the language of our petition, pretended that we expreſſed the general ſentiments of the town and neighbourhood, ſuch a declaration on their part might have been, not only a proper reprimand of our preſumption and flippancy, but a duty alſo to that houſe of parliament, on which ſuch an impoſition had been attempted.

But as we had made no ſuch attempt, ſurely this extraordinary declaration, ſavouring a little of the very error, for which we ſeem to be rebuked, might as well have been diſpenſed with; as neither very proper nor very decorous, in a petition to parliament. When our Counter-petitioners repreſent that the neighbourhood do *not* agree with *us*, who think a reform wanting, I want to know, whether they intend parliament to underſtand, that the neighbourhood *do* agree with *them*, in thinking a reform would ſubvert the conſtitution, or that amongſt the " inhabitants in general of Boſton and its neighbourhood, " there is *no opinion at all*. The compliment in either caſe, methinks is not very great. Between the advocates for ſubſtantial reform, and thoſe who ſay it would ſubvert the conſtitution, there is certainly room for ſome ſhades of opinion; and, with ſuch as may wiſh to form a correct judgment, there may alſo be cauſe for heſitation and deliberation, before they ſolemnly expreſs that judgment. I therefore want to know the grounds, on which theſe gentlemen have aſſumed a right to intimate to parliament even in the modeſt form of an opinion, what *their neighbours* do, or do not think.

Parliament had but two ſafe and rational modes of forming its own judgment, on the balance of opinion in our neighbourhood. *The number of ſignatures* for or againſt reform, would, as far as it went, be

decisive. Its next guide ought to be, *the intrinsic merit or demerit of the proposition itself.* If evidently just and beneficial, parliament ought to conclude, that undecided opinion must at least lean that way, and that it would daily increase in decision and strength: if unjust and pernicious, parliament ought to presume, that opinion in its favour must be weak, and would daily decline. But as forming its judgment on the "verily believes" of the petitioning parties on either side of the question, would be extreme weakness; so I do not perceive any great wisdom, in offering to a house of parliament such a ground for belief and confidence.

But are our Counter-petitioning friends so perfectly sure, that only "a very small number" of the inhabitants of Boston and its vicinity can think with *us*; or that *a very great majority*, must necessarily think with *them*, that a reform would subvert the constitution? On this ground, I am so far from fearing to meet them, that I invite them to an honourable contest, by a patient, fair, and complete canvass of the real opinion of the country. I challenge them to an exertion of their utmost might; and earnestly exhort them to call forth all their strength of constitutional knowledge, reason and argument. Nay, in a confidence that nothing but what is congenial with the true spirit of our constitution and the laws of honourable controversy will be resorted to, and that no attempts will be made to suppress a genuine declaration of sentiment, I will very willingly throw into their scale, the whole weight of ministerial influence, and even then I shall not despair of the cause of reform, proving triumphant.

The canvass I mention, is the object of the Proposal with which this Appeal will conclude; and the whole, indeed, is little else than my challenge in full form. Widely as we have hitherto differed in opinion, we must on both sides be perfectly agreed, that the question is truly important. *We* say to the legislature, 'Reform our representation, that our constitution may survive:' they say 'No: if you grant the reform, the constitution will be *subverted.*' This is, clearly, a question for THE PEOPLE. And it is only by their acquiring on it a knowledge so complete, as to leave no hesitation on their minds about publicly declaring their opinions, that we can hope for either the preservation of our constitution, *whatever it be*, or for any tolerable tranquillity and unanimity in support of a good government.

It has been from a strong sense of the importance of this great question, that I have endeavoured, in the present Appeal, to place it in a clear light. To such as may think me in any particular misled or in error, the field of discussion is open, and I request to be set right. At all events let not our country be deprived of truth, for want of investigation; nor let our endangered constitution suffer by our silence: But, on the contrary, let us, like rational beings, endeavour to ascertain what that

conſtitution IS; like Engliſhmen entitled to parliamentary repreſentation, let us inquire what parliamentary repreſentation MEANS; like men born to freedom, let us be certain that we know in what freedom CONSISTS: and, like friends, neighbours, and chriſtians, let our amicable conteſt, animated though it may be with the ardency of argumentation and freely as we may uſe the honourable weapons of diſputants, yet be a conteſt in which it ſhall be manifeſt, that we only contend, who ſhall moſt effectually ſerve our common cauſe and country; and which party ſhall, in fact, confer on the other, the higheſt political obligation: And ſo ſhall this virtuous conteſt, whether we be ſerious or ſportive, whether the eye flaſh with fire or the cheek dimple with the ſmile of ſatire, be conducted in the true ſpirit of manly candour and brotherly affection.

Hitherto our adverſaries both in and out of parliament, either confident of matchleſs ſtrength, or conſcious of inward weakneſs, as the reader ſhall pleaſe to determine for himſelf, have very much affected the laconic in their diſcourſe. Within doors, the cauſe of reform has at different periods been pleaded in a ſtile of the moſt maſterly eloquence, by a *Saville*, a *Sawbridge*, a *Grey*, a *Sheridan* and a *Fox*; as well as by a *Richmond*, a *Pitt*, and other ſincere patriots, whoſe arguments, drawn from conſtitutional rectitude and political expediency, penetrated with conviction every mind: They have uniformly been anſwered by the laconic eloquence, of previous queſtions and votes.

We too, who have without doors exerted our reforming oratory, have by no means been ſparing of ſpeech; and, by much practice in drawing petitions, we are thought to have attained a tolerable knack, at making them unanſwerable. When, indeed, we addreſs ourſelves to thoſe who do not abound either in the *good things*, or in *the wisdom of this world*, we have no cauſe to complain of our ſucceſs: but when we reaſon with our rulers, of political righteouſneſs, temperance, and judgment to come, all the anſwer we get, is, " Go thy way for this " time; when we have a convenient ſeaſon, we will call for thee."

Our counter-petitioning friends, by their coſtiveneſs of words, might very well paſs for humble dependents, paying their court to Felix; and whatever be the cauſe, they cloſely imitate the conduct, of all thoſe who being immediately intereſted in upholding the ſyſtem of rotten-borough repreſentation, for their private emolument, would have us believe it is the conſtitution, and therefore avoid as much as poſſible ſaying any thing about it. Preſuming that any oppoſition to the reform of an evil which we hold to be of the greateſt magnitude and moſt fatal conſequence, ought, if it were but for the ſake of decency, to be ſupported by very ſtrong and very many reaſons; we, in favour of reform, deal out arguments in plenty: In return, they give us " verily believes." We urge plea upon plea, reaſon upon reaſon, and motive upon motive: They tell us of unargued " convictions." We ſhower down upon

them reiterated interrogation, enthymeme, and demonſtration; and all the artillery of our logic: they cooly give us in exchange, *inference without premises.* We " urge them vehemently and provoke them " to ſpeak of many things; " Like the fat knight of facetious memory, they like not this compulſion: " Give a reaſon on compulſion! If " reaſons were as plenty as blackberries, they would give no man a rea- " ſon upon compulſion. " In the warmth of our zeal, we appeal to the heart, the conſcience and common ſenſe, of every human being, and to that God who planted in the glorious garden of man's mind, the principles of reaſon, of juſtice, and of liberty: They very laconically call us *ſubverters of the conſtitution*; and the only appeal they make, is to *a vote of a borough parliament.*———We are now to ſee, whether or not the challenge juſt given will induce them to be more communicative of their ſtores of political truth; and if they will have the charity to beſtow upon us for our inſtruction and guidance, any of thoſe reaſons which they have been ſo careful not to expend unneceſſarily.

Let us my friends, have but a ſingle handful of their REASONS, and the Houſe of Commons ſhall be heartily welcome to all the " *convictions* " and " *verily believes* " they can perſuade it to accept. That indeed was the right theatre on the occaſion before us, for *ſuch* exhibitions; as, not ſerious confidence, but inward mirth, as already explained, was the ſentiment to be excited by the ſolemno-ludrico little drama of our Counter-petitioners. The contemptuous inſinuation of *our* inſignificance in numbers, and the ſolemn parade of *their* own vaſt ſuperiority, were therefore very properly introduced, in order to heighten the ridicule of the mirth-moving fact that was follow. They formally attack our petition ſigned by only *one hundred and thirty four* good men and true, friends to liberty and reform; and they make this formal attack in a counter-petition, ſaying, rather than inſinuating, that " *a very ſmall number* " only are of *our* opinion; and in proof of this declaration, they exhibit to the Houſe their own very numerous ſignatures, amounting to no leſs than—— *ninety ſeven* " *verily believers* " Reader, thou muſt not laugh: By the rules of the ſolemno-ludrico, thou art required to keep thy countenance, and if thou ſmileſt it ſhould be inwardly; and the more particularly ſo, out of reſpect to thoſe miniſters of religion who, with grave faces, ſigned this ſerio-comico counter-petition, hatched and brought forth amongſt themſelves on a viſitation day.

Here then, for the preſent, we lay down the controverſial pen, to take its reſt, until our challenge have arouzed the champions of " our " preſent " ſyſtem of rotten-borough repreſentation, to brandiſh theirs and give us a thruſt or a daſh, in return for ſuch as we have beſtowed upon them. If the writer, when the ſubject invited, have indulged in pleaſantries, his own doctrines and conduct are equally fair game to a

mirthful opponent, whenever they ſhall furniſh juſt occaſion for a ſmile or a laugh, and if any one will laugh him out of ruinous error, he ſhall receive his ſerious and moſt ſincere thanks.

Having on numberleſs occaſions made known his political opinions, and never having in any one inſtance promoted the intereſts of party to the prejudice of the public, while the inherent rights of men, and the fundamental rights and liberties of his country have invariably been the polar ſtar of his political courſe; he has the ſatisfaction of knowing there is not an Engliſhman who may entertain towards him political enmity, to whom he cannot with propriety ſay;——'Your political 'enmity is miſdirected: Turn it upon thoſe who have undermined 'the conſtitution of your country, which I have toiled to ſecure;—'upon thoſe who have violated your rights, which I have a thouſand 'times defended;—and upon thoſe who have aimed the ſhafts of deſtruc-'tion at your liberties, which I, at the hazard of my own, and to the neg-'lect of my private affairs, have ſtrenuouſly laboured to preſerve. Let 'both of us ceaſe to liſten to the pompous nonſenſe of party, and the 'vile deluſions of faction; but, bound together by one intereſt, and 'one moral principle, to ſeek truth and promote juſtice, let us ſtrive to 'extend this bond of union, until it ſhall embrace and ſecure whatever 'we comprehend, when we ſpeak of our country.'

SECTION IX.

The PROPOSAL I have now to offer, is borrowed from one lately circulated in ſome parts of the South. Its object is merely to collect the *public opinion* on the great queſtion of REFORM. The plan is extremely ſimple, and is as follows;

1ſt. To circulate in every pariſh, for the ſignatures of ſuch *taxed Householders* as may approve thereof, a Paper in the form, No. 1.

2nly. To have the reſult publiſhed in one Newſpaper at leaſt, by the perſon who collects the ſignatures, and in the form No. 2; which form ſhould be printed, and communicated to every perſon applied to for his ſignature to the firſt mentioned paper.

No. I.

We, who have hereunto ſubſcribed our names, do declare it to be our opinion, that the Repreſentation of the people of Great Britain in the Commons' Houſe of Parliament, is defective; and that it ought to be reformed, according to the principles of our excellent Conſtitution.

No. II.

I do hereby certify that in the pariſh of ——— in the county of ——— there are ——— Houſeholders Inhabitants who are aſſeſſed to the payment of parochial taxes, and that ——— of them have

ſigned the following Declaration; "We who have" &c. [See No. 1]
witneſs my hand, this ——— day of ——— 1797 F—— F.——

And that the parties I challenge may not complain of unfairneſs, on my canvaſs, I give them notice, that theſe forms will be accompanied with a paper in the form No. 3, for the purpoſe of inſtructing the uninformed. Having endeavoured in that paper to compreſs much conſtitutional information into a ſmall compaſs, the paper may have its defects and its omiſſions; which, for the ſake of the public, it is to be hoped they will correct and ſupply.

No. III.

TRUTHS reſpecting LIBERTY and PROPERTY; and the means of perſerving them by a REFORM in the Repreſentation of the People in the Houſe of Commons.

PRINCIPLES.

I. POLITICAL LIBERTY is the common right of all nations and of all men.

II. The political liberty of a NATION, is its power of *ſelf government.*

III. That nation is not *ſelf-governed*, which does not *make its own laws*, either in an aſſembly of the people (only to be done in very ſmall ſtates) or by a Legiſlature, in which the nation is FAIRLY AND SUBSTANTIALLY REPRESENTED.

IV. There is no *repreſentation*, where there is no *free election.*

V. The conſtitutional legiſlature of Great Britain, conſiſts of King, lords of parliament, and THE COMMONS IN PARLIAMENT ASSEMBLED.

VI. If *a ſingle member* of the Houſe of Commons be ſeated there by any other means than that of *free popular election*, the political liberty of the nation has received a wound.

VII. If one half of the Houſe of Commons were choſen by *five hundred* electors, and the other half by *five hundred thouſand*, common right would be groſſly violated, and political liberty highly endangered.

VIII. If *a majority of that Houſe* ſhould ceaſe to be elected by *a majority of the men competent and entitled to elect*, the nation would ceaſe to be *ſelf-governed*; and, conſequently, its *political liberty* would be deſtroyed.

IX. If, with impunity, either commoners could uſurp ſeats in the houſe of lords, or lords of parliament could uſurp an appointment to ſeats in the houſe of commons, the conſtitution would be ſhaken to its foundations.

I. The POLITICAL LIBERTY of MEN, not being a mere perſonal, but a *ſocial* condition, it is not complete unleſs the following eſſentials be enjoyed: Viz.

1ſt. They muſt be *members* of a *ſelf-governed* nation.

2dly. They muſt enjoy a fair ſhare in electing the repreſentatives of the nation.

3dly. Their rights of election muſt *not* be ſubject to any *unjuſt or unnecessary denial or* SUSPENSION.

MAXIMS AND OBSERVATIONS.

I. As nature ſuſtains the human race by the produce of the earth from year to year;—as ſhe lays mankind under the neceſſity of arranging, according to the ſucceſſion of the four ſeaſons, thoſe fundamental operations on which their very exiſtence depends; and on which all the comforts, conveniences, arts and elegances of life are built; thus compelling the nations to adopt an *annual* regulation and ſuperintendence of their affairs; it is hereby clearly pointed out by Providence to every nation, not to elect a repreſentative aſſembly for leſs than one complete revolution of the ſeaſons, called a year.

II. And, on the other hand, as each ſucceeding year brings with it its peculiar influences over the affairs of nations; ſo it is expedient that popular repreſentatives ſhould *not* be choſen for a longer term than one year; that ſo it may be in the power of the people, always to chooſe perſons the moſt fit for the ſervices required of them; as well as to get rid of repreſentatives, who may have been unequal to the taſk, or who may have neglected their duty, or betrayed their truſt.

III. But that the people ſhould elect a *new* parliament *every year*, is not only a matter of the higheſt political *expedience*, dictated by the laws of nature, and of ſelf defence, but it is a poſitive *right*, eſſential to *political liberty*; becauſe if a parliament ſhould continue for two years, or for three, or for four or for any longer term, then the riſing generation, as they ſucceſſively, by arriving at man's eſtate, become intitled to ſhare in the election of legiſlators, are denied a ſacred birth-right, and their poltical liberty, *which is the ſource of all other rights and liberties in civil ſociety*, is unneceſſarily *with-held* and *ſuſpended*; which is palpably unjuſt.

IV. THE SEPTENNIAL ACT SUSPENDS THE POLITICAL LIBERTY OF THE WHOLE NATION FOR SIX PARTS IN SEVEN OF HUMAN LIFE!

V. *Political liberty* ought to be diſtinguiſhed from *legal protection*. They, whoſe property and perſons are defended by the *laws* of a country, againſt all perſons *except the legiſlators*, have *legal protection*; and ſuch *legal protection* was remarkably complete under the late King of

Prussia, the moſt perfect deſpot in Europe; who ſuffered none but himſelf *the ſole legislator*, to injure his ſubjects: But *political liberty*, beſides making legal protection *certain*, inſtead of *precarious*, defends a people even againſt *the legislators* themſelves; for if thoſe *who make the laws* are *annually chosen by the people*, they are dependent on the people; they are then the ſervants, inſtead of the maſters of their country; and they will of courſe be its defence againſt unneceſſary wars, unneceſſary taxes, and unneceſſary reſtrictions on perſonal liberty; nor will they enact *oppressive laws* of any kind.

VI. Where *political liberty* is wanting, *law* may become an engine of the moſt cruel oppreſſion: and while any of the people can puniſh private perſons who rob or defraud them, either by open force or *under false pretences* of a few pounds, or of a few ſhillings; the whole nation, without help and without redreſs, may be pillaged by a miniſter and his corrupt aſſociates, of juſt as many MILLIONS as they ſhall be pleaſed to take, and as often as they ſhall be pleaſed to renew their exactions.

FACTS.

The following particulars are extracted from a great variety of facts ſtated in a Petition which was entered upon the Journals of the Houſe of Commons, on Monday the 16th. of May, 1793.

I. " That at the preſent day the Houſe of Commons *does not* fully " and fairly repreſent the People of England. "

II. " Your petitioners complain, that the right of voting is regulated " by no *uniform* or *rational* principle. "

III, " They affirm, that ſeventy of your Honourable Members " are returned by thirty-five places, where the right of voting is veſted " in burgage and other tenures of a ſimilar deſcription, and in which it " would be to trifle with the patience of your Honourable Houſe, to " mention any number of voters whatever, the elections at the places " alluded to being notoriously *a mere matter of form*.

IV. " EIGHTY-FOUR individuals do by their own immediate au- " thority ſend ONE HUNDRED AND FIFTY SEVEN of your Honour- " able Members to Parliament.

V. " Your Petitioners are convinced, that in addition to the *one* " *hundred and fifty seven*, *one hundred and fifty* more, making in the " whole THREE HUNDRED AND SEVEN, are returned to " your Honourable Houſe, not by the collective voice of thoſe whom " they appear to repreſent, but by the recommendation of *seventy* " powerful individuals, added to the *eighty four* above mentioned, and " making the total number of patrons altogether only ONE HUNDRED " AND FIFTY FOUR,, who return A DECIDED MAJORITY of " your Honourable Houſe. "

VI. " At the commencement of every ſeſſion of parliament, your " Honourable Houſe reſolve, as appears by your Journals, ' That it ' is a high infringement upon the liberties and privileges of the Com- ' mons of Great Britain, for any *Lord of Parliament*, or any Lord ' Lieutenant of any County, to concern themſelves in the election of ' Members to ſerve for the Commons in parliament.

" Your Petitioners inform your Honourable Houſe, *and are ready* " *to prove it at your bar*, that they have the moſt reaſonable grounds " to ſuſpect that no leſs than ONE HUNDRED AND FIFTY of your " Honourable Members owe their elections entirely to PEERS; and " your Petitioners are prepared to ſhew by legal evidence, that FORTY " PEERS, in defiance of your reſolutions, have poſſeſſed themſelves of " ſo many burgage tenures, and obtained ſuch an abſolute and uncon- " trouled command in very many ſmall boroughs in the kingdom, as " to be enabled by *their own poſitive authority* to return EIGHTY-ONE " of your Honourable Members."

VII. At the commencement of that parliament which (*within the lifetime of old perſons now living*) firſt *ſuspended* the elective fran- chiſe of the Engliſh nation, by the *triennial* act, the national debt was little more than *half a million*: † At the end of this year it will be above *four hundred and thirty three millions*. ‡

VIII. Mr. PITT, when he became miniſter, found the intereſt of the national debt —— *eight millions, forty-five thouſand, and fifty five pounds* per annum. At the end of the preſent year it will be *ſixteen millions, two hundred and thirty ſeven thouſand, and twelve pounds* per annum. " So that in fact, he will in five years, have *more than* " *doubled* the amount of all the perpetual taxes, that exiſted before " his adminiſtration." ‡

IX. ——" the laſt year," (a year in which were funded nearly *forty three millions ſterling* ‡) " has been diſtinguiſhed, for the firſt " time in the annals of this country, by *a far greater expenditure* " WITHOUT, than *with* the previous conſent of parliament." ‡

X. It was moved to cenſure the miniſter for *thus* diſpoſing of pub- lic money; but the preſent Houſe of Commons ſkreened him by *a vote*; and the laſt Houſe of Commons permitted the ſame miniſter, with impunity, to aſſert within its walls, that " the crown had a right " to land in England, foreign mercenary armies at its diſcretion, *with-* " *out the conſent of parliament*;" and both theſe Houſes of Commons have granted him large ſums of money for numerous *Barracks* in dif- ferent parts of the kingdom; although *Judge Blackſtone*, in his *Commentaries on the Laws of England*, ſpeaking the language of our conſtitution, ſays " the ſoldiers ſhould live intermixed with the

† Sir J. Sinclair's Hiſtory of the Revenue p. 93.

‡ Morgan's Appeal of 1797, p. 51, 37, 42, 9, 54.

"people; no ſeperate camp; NO BARRACKS; no inland fortreſſes "ſhould be allowed." *

XI. Should peace be obtained within the preſent year 1797, the future annual taxes, for diſcharging the intereſt of the debt and derraying the expences of government, muſt be *twenty-six millions* per annum; ‡ excluſive of tithes, poor-rates, and all other public aſſeſſments, amounting to at leaſt *ten millions* per annum more. If the war continue debt and taxes muſt have an enormous increaſe.

	£.	s.	d.
XII. In the 1796 the fees only paid at the War Office amounted to — — — —	42731	11	11
In the ſame year Mr. Lewis, as firſt Clerk, and Deputy Secretary at War, received as Salary,	1120	0	0
And as Fees, — — — — —	17318	6	3
Total received, by one Clerk in Office, in one year	18438	6.	3
In the ſame Office and the ſame year, two Clerks who had *retired*, one upon a penſion of 50l. per annum, the other on a penſion of 55l. per annum, but who it ſeems were ſtill allowed to ſhare in the Fees, received in that form, and ſhared equally between them, — — — — —	12020	18	8

Brothertoft Farm, July, 1797.

POSTSCRIPT.

Inſtead of the 6th. obſervation in p. 71, the reader will pleaſe to accept the following.

VI. Where *political liberty* ſhould be wanting, *law* might become an engine of the moſt cruel oppreſſion. In ſuch a ſtate of things, it might doubtleſs be in the power of private perſons to obtain a redreſs of *private wrongs*, provided they were able to ſupport the expence of going to *law*. But, while *legal protection*, on being paid for, might be thus had by one individual againſt another, and the criminal who took a few pounds, or a few ſhillings, might be puniſhed; yet the whole nation, that is, *every man in his public capacity*, as a member of the ſtate, might be fleeced by grievous and ever-multiplying taxations, *according to law*; while the miniſters who contrived and executed the wrong, would obtain protection from puniſhment, and ſupport in their oppreſſions, by carrying on a traffic of corruption for places, penſions, peerages, and other gratifications, with thoſe who, without any dependence on the people, ſhould hold the public purſe.

* I. 414. ‡ Morgan's Appeal, p. 54.